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S. HRG. 104-211

# YELLOWSTONE NATIONAL PARK BISON

## HEARING

BEFORE THE

SUBCOMMITTEE ON

PARKS, HISTORIC PRESERVATION, AND RECREATION

OF THE

COMMITTEE ON

ENERGY AND NATURAL RESOURCES

UNITED STATES SENATE

ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

ON

### S. 745

TO REQUIRE THE NATIONAL PARK SERVICE TO ERADICATE BRUCELLOSIS AFFLICTING THE BISON IN YELLOWSTONE NATIONAL PARK, AND FOR OTHER PURPOSES

HELENA, MT, JULY 29, 1995

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DFL 6532

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# YELLOWSTONE NATIONAL PARK BISON

SATURDAY, JULY 29, 1995

U.S. SENATE,  
SUBCOMMITTEE ON PARKS,  
HISTORIC PRESERVATION, AND RECREATION,  
COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
*Helena, MT.*

The subcommittee met, pursuant to notice, at 10 a.m. in the Scott Hart Auditorium, Department of Agriculture Building, Hon. Rod Grams, presiding.

## OPENING STATEMENT OF HON. ROD GRAMS, U.S. SENATOR FROM MINNESOTA

Senator GRAMS. Ladies and gentlemen, it is my pleasure to welcome you to this Subcommittee on Parks, Historic Preservation, and Recreation field hearing on S. 745, a bill to require the National Park Service to eradicate brucellosis affecting the bison in Yellowstone National Park and for other purposes.

My colleague and chairman of this subcommittee, Ben Nighthorse Campbell, sends his apologies. He would have liked to have been here, himself; however, prior commitments in his own State of Colorado precluded his taking advantage of this trip to Helena.

As vice chairman of the subcommittee I have been afforded the opportunity to leave the humid environment of the beltway for a very short time, whatever it may be. But I am fortunate to return to one of my former homes here in the Big Sky Country, where it means dry air, good, down-to-earth people, some friendly neighbors; and I can tell you without a doubt that it is great to be back here in Montana and have the opportunity to meet with you here this morning.

Things have changed a little bit since I left Carroll College in Helena, and I do not know if anybody here will remember me. It has been quite a few years ago that I used to be an anchorman at Channel 12 here in Helena for about 2 years back in 1972-73; but in those days, I was the writer, director, producer and many times cameraman all rolled into one person. In fact, many times I was the only person in the studio doing the news and I had no staff at all. Since that time, it is great to be back here in Helena to meet some old friends, which I have had a chance to do here this morning over breakfast. So it is just nice to be back in town.

One more serious note, however. I am also very much aware of the importance of this legislation and also the contentious issues which surround the subject; and I do not want to take any more



time from our witnesses who are here this morning to give their testimony. I do not want to take any more time than absolutely necessary, for they are the main reason that we are here this morning.

Having said that, there are a few procedures concerning the format of this hearing that I would like to share with you, and it is my hope that we all adhere to the general ground rules. We will have an opportunity to hear from everyone who has something to share with the subcommittee this morning, and it is my intention to begin with the Lieutenant Governor, Dennis Rehberg, this morning, who will constitute Panel No. 1 in its entirety.

It will then be in order to call upon Dr. Michael Gilsdorf from the Animal and Plant Health Inspection Services, and Michael Finley, the Superintendent of Yellowstone National Park, so that both gentlemen can share some technical information with the subcommittee this morning, as well. Hopefully this will place the subject of bison and brucellosis into some kind of perspective so that we can begin to compile a record which would contribute to our follow-up hearings in Washington, where we then will hear the administration's views on this legislation, as well.

We will then proceed with the remainder of the panels; and, again, it is my hope that each witness will summarize his or her comments in 5 minutes. All witnesses can be assured that the complete written text of the remarks, as submitted, will be made part of the official hearing record. The hearing record will also remain open for 2 weeks from this date so that anyone wishing to share their views with the subcommittee is encouraged to submit written statements to the local office of Senator Conrad Burns; and that office, in turn, will ensure that the statements are also forwarded to Washington to become part of the official record.

Last, but not least, we also have a number of individuals who have requested an opportunity to address the subcommittee; and when we have completed our business with Panel No. 4, we will take a very, very short break at that time and then when we reconvene, in the time remaining, we will attempt to hear from all of those who have been scheduled to speak. We wish that those of you who have volunteered or who have been volunteered to speak, if you would hold your comments to about 2 to 2½ minutes. With your cooperation and adherence to the time limit, we will try to provide an equal opportunity for all of us to hear the views and concerns of more people rather than just a few.

Again, it is my pleasure to be back in Montana this morning. I look forward to hearing from our witnesses; and now, I would just like to turn this over for opening remarks from my good friend and colleague and, I am sure, a familiar name to all of you, Senator Conrad Burns.

Senator.

#### STATEMENT OF HON. CONRAD BURNS, U.S. SENATOR FROM MONTANA

Senator BURNS. Give me that microphone. You take the water. You dry out awful quick, I understand.

Thank you, Mr. Chairman. I appreciate that this morning. I will just ask unanimous consent that my full statement be entered into

the record. I will just summarize a little bit about what this is all about. We have been in communications with all of the different agencies in order to do something about this problem of the overstocking of bison in the Yellowstone Park and those bison that come outside the Park during winter on private ground. It seemed like we had been in those consultations and we have had meetings and all this, and nothing would come to fruition. Nothing would happen. In other words, we would almost get to the point where we would have an agreement, and it would all fall apart or be only the action of either those folks who wanted something done or the folks that were in charge of managing Yellowstone Park.

So this legislation is a very, very short bill. It just says that the legislation calls for the testing and the culling of an increasingly diseased bison herd within the Park. We are asking the Park to do nothing different than what good neighbors in the States of Montana and Wyoming do. In other words, whenever we have a problem, we all get together and we try to eradicate the disease or the blight. And, of course, there are some folks here, and I noticed Dr. Halverson is in the crowd this morning, and he was a State veterinarian way back in the years when I was with Billings Livestock Commission Company; and whenever we started in the program to become certified brucellosis-free in this State, we knew the economic impact of Montana's number-one industry, which is the livestock industry, the impact it would have on that industry.

So the problem we face really is a lack of commitment by all agencies to get down and do something about the problem. APHIS is following the mandate that was given to them by the Department of Agriculture, by Congress and by livestock men across this country. It is to enforce the laws to ensure animal health and that everybody is not exposed to those conditions which would have economic impact on their neighbor. So APHIS is doing exactly what they should be doing and the way they should be doing it, because it was not only a mandate given to them by Congress, but it was given to them by Agriculture itself, and the agricultural community.

This past winter, nine States placed sanctions against or threatened to place sanctions on livestock, especially cattle, shipped from the State of Montana. This does have an economic impact on our producers, especially when we spent all that money and time, often running into brick walls just like we are running into here, trying to eradicate this disease. We know what the disease is. We know how it works. We know how it spreads, and we also know how to eradicate it. It does not need a lot of study, it does not need a lot more work. What it needs is action, that we just get down and get the job done.

We look at Yellowstone Park. This year we have got, I guess, quite a lot of forage up there. I have not been up to the Park this year, but we have had a very, very late, cool, wet summer so far. When you fly across the State of Montana, I cannot believe how green this State is, and here it is the first of August. Usually we are brown by this time of year. We have range conditions that are very, very good and something that we would like to maintain forever; but I don't think we can plan on that, especially when you have to rely on around 14 inches of moisture a year.

We know that that condition will not always exist. We have got more livestock in the Park than we have the ability to support in the Park. So it is for that reason that the language in this bill is to do something about reducing the Park's herd size to where we can handle and properly take care of the animals.

We have humane laws that take care of those people, those stockmen who abuse their livestock. We go on private property, and we have done it. We have seen it happen in Montana, where they starved their horses down, they would not feed their livestock in the wintertime. We have seen actions taken by the livestock men themselves on people who abuse livestock and do not take care of their livestock the way that they should be taken care of. We have seen that happen.

Again, we want to welcome Senator Grams to the State of Montana. We look forward to this hearing and getting on to hearing the witnesses. I am hoping to glean out and maybe solve the problem, but we need to move forward on this. We need to bring people to the table; and if it takes legislation to do that, then I am perfectly willing to do it. But we need to get on with the job at hand.

So, Senator Grams, we welcome you back here and it is nice for you to come back and visit us; and I want you to spend lots of money while you are here and then shuffle right along, go on home. No, not really.

I have several items that I will insert into the record at the proper places; and thank you, again, for coming.

[The prepared statement of Senator Burns follows:]

#### PREPARED STATEMENT OF HON. CONRAD BURNS, U.S. SENATOR FROM MONTANA

Thank you, Mr. Chairman, for this hearing on S. 745, the Yellowstone Bison Management Bill, which will require the National Park Service to face the responsibility of managing the bison herd in nearby Yellowstone National Park. I would also like to welcome the chairman of this committee hearing, Senator Rod Grams, back to the state of Montana. I would like to thank the Chairman of the full Energy and Natural Resources Committee for approving this field hearing in the neighborhood most affected by the inactions of the National Park Service. This is a very important issue to the people of the state of Montana, and the National Park Service.

Mr. Chairman, S. 745, the Yellowstone Bison Management Bill, is a bill which will require the National Park Service to face up to their responsibility as neighbors to the states that surround Yellowstone National Park. This bill will provide for a healthy future for the Yellowstone National Park bison herd. This legislation calls for the testing and culling of an increasingly diseased bison herd in the park. Yellowstone was the world's first National Park and is supposed to be the Crown Jewel of the National Park System. This is action that is long overdue and which will, once and for all, create a safe and clean herd of bison for the park. In addition, it will take the pressure off the states of Montana, Wyoming and Idaho to implement temporary solutions to a problem that the Park Service will not acknowledge or do anything about.

The problem that we face here is a lack of commitment by the National Park Service to find a solution. The Department of the Interior continues to tell me that they need more cooperation from the state of Montana and APHIS, the Animal and Plant Health Inspection Service, in order to resolve this problem. Yet it was not until early this year that the Park Service was even willing to admit that they have a problem with brucellosis in the park. The state is taking care of what is best for the state of Montana. And APHIS is only following the mandate that they have been given by Congress and Agriculture to address issues of animal health.

This past winter, nine states placed sanctions against, or threatened to place sanctions on, livestock shipped to their state from Montana. Therefore, the inaction of the Park Service has placed undue restraints on the free trade abilities of the citizens of Montana. These sanctions, imposed by individual states, require Montana cattle shipped into those states to be tested for brucellosis. These tests add an additional cost to the price of producing livestock. This is in addition to the cost that



the state of Montana and the livestock producers have previously paid to be certified as a brucellosis-free state, which carried with it a price tag of approximately \$70 million. I wonder why it is that the state of Montana must pay the price of the mismanagement of the bison herd within the boundaries of the park. Any other herd of animals throughout the nation would be required to be cleaned up under the control of licensed government officials that would make sure that the disease was eradicated.

The state of Montana, since 1967, has had to bear the burden of controlling the bison as they leave Yellowstone. The management of the bison that leave the park, by states of Montana, Wyoming and Idaho, has a history of it's own, one which we do not have the time to go into today. The state governments of the states bordering the park have had to be responsible for the animals that leave the park. State representatives in Montana were forced to kill over 400 bison that left the park during this most recent winter. This cost the people of the state of Montana both in terms of money and the good name of the state. Again a cost bore by the state to protect itself against the inaction of the National Park Service.

As a result of the inaction of the federal government, Governor Racicot of Montana has been forced to file a lawsuit against the government in order to get them to agree to some action. I understand that representatives of all the parties involved met earlier this week to discuss a settlement. This settlement is a first step, but it does not go far enough in addressing many of the concerns of the problems that face the states and the people that live in the areas nearby. One thing that must be remembered here is that this inaction not only effects the people directly near the park, but has damaged the agriculture industry throughout the entire state.

Among the concerns that I have with the Yellowstone herd is the over population of that herd within the park. The forage conditions in the park are terrible. A land owner would be ashamed of having his property in that condition. Any grazing permit holder would be kicked off the allotment and fined for allowing his permit to be in such a condition. Yet, the range is overgrazed to the point that they are today. It is partially due to these conditions, plus the heavy snows that the park receives, that the bison leave the park during the winter months. They move out of the park to find forage in better conditions and more readily available outside the boundaries of the park. In plain and simple terms, the park has too many bison for the land and plant life to carry. It is for this reason that there is language in this bill that will reduce the herd size but not the reverse to manageable numbers. I would think that the people that are opposed to this legislation as harmful to the park and the herd would look at this as a way of providing for the health and well being of the park and the bison within the park.

I am sure, that sometime today, this committee will hear testimony that there is no evidence of the ability of the disease to be transmitted from bison to domestic cattle. However, the National Park Service and the parties involved in the settlement process, of the Governor's lawsuit, state that the disease was transmitted to the bison herd by a domestic cattle herd within the park, decades ago. This is another case of the double standards that the Park Service and their allies are using to control the discussion of this topic. I cannot understand the reasoning for this argument. That a disease can be transmitted one direction and not another.

Mr. Chairman, this is a topic I have very strong feelings about. It relates to my concerns about the manner in which the Park Service manages its properties, and the double standards that the federal government uses with regard to its actions. Double standards run rampant in this issue. First, there is the fact that this is a diseased herd and is allowed to roam free on public and private land. Secondly, there is the issue of the transmittability of the disease from one breed to another, but not the reverse being held as fact. Finally, there is the fact that the federal government can and has controlled this problem in other herds under their control, but not this one. There are the questions about the origins of the herd and the original species in the park. However, the main question here is how does all of this affect the people of this state to do business. I want it known that I am not against bison and what they represent, it is the inability and inaction of the Park Service in dealing with this problem that I address with this bill.

Again, I would like to thank the Chairman, Senator Grams, for having and chairing this hearing. I am very pleased that we could provide you with an opportunity to come back to the Big Sky Country, if it be only for a short stay. I now look forward to hearing from the panels, the people of Montana, and allowing this committee and the Chairman a chance to learn more about this problem.

Senator GRAMS. Thank you very much, Conrad; and I think now we will just go ahead and begin our first panel, which, of course, is the Lieutenant Governor, the Honorable Dennis Rehberg, and I

want to welcome you to this subcommittee this morning and am looking forward to hearing your opening statement.

**STATEMENT OF HON. DENNIS REHBERG, LIEUTENANT GOVERNOR, STATE OF MONTANA**

Mr. REHBERG. Thank you very much, Senator Grams and Senator Burns. I want to welcome you on behalf of Governor Marc Racicot and myself and the people of the State of Montana. It is nice to have you back in the Big Sky Country. You are one of two Republican Senators that we let escape from our boundaries, Senator Roth and yourself, so it is nice to have you back.

It is also good that you would be here to discuss a problem that is very important to us. The purpose of S. 745 is to resolve an ongoing, frustrating and highly publicized problem which is a major concern to the people of Montana and the other States neighboring Yellowstone National Park, and we welcome the commitment of Senator Burns, together with the involvement of Congress, as we work to resolve this problem.

We were encouraged by Senator Burns' interest in resolving this issue, and our pledge is total cooperation to him, his staff and to you, as a member of Congress, as we explore the options to develop long-term solutions. Brucellosis is a disease which affects cattle and bison and invades primarily the reproductive tract, which causes abortions and stillbirth. It can also be transmitted to humans and cause undulant fever, which is something that does not get as much press, perhaps, but is every bit as important and more important in some cases. But it is a health problem.

Presently six States have placed restrictions upon the importation of Montana cattle because of the presence of brucellosis in the Park bison herd and the presence of Park bison outside Montana's borders. These six States require additional testing to show that Montana cattle are not brucellosis carriers, which adds approximately \$10 per head to the marketing costs of the cattle in an already depressed market. This requirement adds substantially hundreds of thousands of dollars to an already depressed market, and we just cannot afford that. Should additional States demand restrictions, it would cause an undue and extreme hardship upon Montana's cattle producers and severely impact the rural economy of Montana.

As you know, because of the serious public health ramifications of brucellosis, a national eradication program was first initiated in 1934. Testing, slaughter and adult vaccination were used to clean up the herds. It is estimated that Montana and Idaho and Wyoming have collectively spent over \$80 million since 1950. The cattle industry in Montana worked diligently to obtain its brucellosis-free status from the USDA, APHIS. A rating such as this means a guaranteed ability for cattle producers to move untested product to market, an essential asset for maintaining survival in today's business operations. The costs identified with brucellosis are high and the liability of transmission should not be taken lightly. One clear benefit of the passage of S. 745 would be the assured continuation of Montana's rating as a brucellosis-free State, an essential aspect of the cattle industry and Montana's economy.

It is ironic and preposterous that one Federal agency threatens Montana's brucellosis-free status and another Federal agency is directly responsible for that threat. Montana finds itself a victim, a victim so frustrated that we have had to file in Federal court to redress our concerns.

The National Park Service and APHIS and the Wildlife Service administer the Park boundaries under the theory of natural regulation. Under specific regulatory actions initiated by APHIS, State officials and livestock owners were issued strict guidelines and protocols which were followed, which would eradicate the disease. Everyone in Montana follows these guidelines. Everyone except the Park Service. If the mission of the Yellowstone National Park is to provide an aesthetically pleasing experience for the citizens of the United States, then it is time to begin managing the Park in a manner that will sustain the biological, ecological and the physiological attributes of its assets.

The bison population in the Park is in the neighborhood of 4,000, and that is an overpopulated neighborhood. A large population of animals with limited forage forces the animals to seek forage elsewhere. The more the bison wander outside the Park, the greater the risk and expense we face in Montana. It is important that range experts say the carrying capacity inside the Park is 2,000 bison. Bison numbers can be safely reduced, tested and treatment started, and we can take the kind of progress on this issue which grants us more options for future management of and tolerance for bison.

Governor Racicot has voiced Montana's frustration to President Clinton and the members of his cabinet. Montana's message has been consistent, practical and fair. We want to remedy the national park bison problem in a way that addresses the needs of Montana, Montana's cattle industry and at the same time accommodate wildlife interests.

The State of Montana simply wants Yellowstone National Park to manage its bison the way every other bison and cattle owner in America manages theirs. In fact, every other national park in America is capable of such management. This one does not seem to be.

While we seek congressional intervention as a positive sign, the State of Montana has no option but to continue proceeding on three additional fronts to improve bison management and keep pressure on the Park Service to accept this responsibility.

One, as mentioned, we are still proceeding with litigation in Federal court which seeks an injunction prohibiting the continuation of the preposterous situation created by two Federal agencies.

Two, we are following the State of Montana interim bison management plan which calls for active protection of private property and protection against the spread of brucellosis while ensuring the viable population of Park bison.

Third, we are working with Federal agencies to complete the bison management environmental impact statement so as a long-term bison management plan should be established and implemented.



A fourth front, as mentioned earlier, is our pledge to work with Senator Burns and yourself to assist with passage of legislation which addresses Montana's needs.

Mr. Chairman, three State officials will follow my testimony. These three officials, through the course of their comments, will outline the complexity, the sensitivity and a multidisciplinary approach needed to address this issue. While each official will approach the issue within the framework of the department mission and objectives, a common and coordinated theme, I hope, will be clear.

Thank you, again, for visiting Montana and listening to its citizens. Your involvement in this issue is healthy and we hope helps to produce a lasting solution to this troubling problem. Again, thank you very much.

Senator GRAMS. Thank you very much, Lieutenant Governor. Just a couple of quick questions that I would like to ask and then I will let Senator Burns also ask some questions. When you mentioned on the four fronts, or the three fronts, litigation, the injunction, what is the status of the lawsuit right now?

Mr. REHBERG. Let me see if our attorney is here. Pat?

Mr. GRAHAM. We are in settlement negotiations right now.

Mr. REHBERG. This is Pat Graham, the director of our Fish, Wildlife and Parks.

Senator GRAMS. Hi, Pat.

Mr. GRAHAM. Failing those, the lawsuit will be still in place.

Senator GRAMS. Could you say that again, Pat? I did not catch all of that.

Mr. REHBERG. Failing the settlement, we will continue on with the lawsuit.

Senator GRAMS. What does the State of Montana do with the bison that wander outside of the Park? I mean, you cannot go into the Park or have any management responsibilities inside; but the bison wander off, what does the State of Montana; where is your responsibility?

Mr. REHBERG. That will be part of their testimony later, in their presentations, to tell you exactly how we are managing those herds at this point. We have an agreement that we are working under at this point.

Senator GRAMS. I know it costs the cattlemen a lot of money. How much money has the State of Montana had to spend in this effort on its own?

Mr. REHBERG. I'm not sure. We have not added that up.

Mr. MUNDINGER. Real quickly—

Senator GRAMS. Could you identify yourself, Sir?

Mr. MUNDINGER. My name is John Munding. I'm staff officer with Fish, Wildlife and Parks. Fish, Wildlife and Parks' expenses are \$50,000 to \$75,000 a year focused primarily on monitoring the distribution of bison, having people in the field to shoot them, processing carcasses. I'm assuming that at the present time, and maybe Dr. Siroky can add some clarification, but I'm assuming the Department of Livestock's expenses are somewhere in that same figure. So between the two of us, we are probably spending about \$100,000 a year.

Mr. REHBERG. Dr. Siroky, do you want to add anything?



Dr. SIROKY. That sounds practical.

Senator GRAMS. You will be on another panel later on, so we will have a chance to talk with you again.

Dr. SIROKY. Yes.

Senator GRAMS. Senator Burns.

Senator BURNS. I do not have any questions for the Lieutenant Governor. However, I do have a letter from Senator Baucus that he could not attend today, and I would enter that into the record. Generally what Senator Baucus says is it is about time we come together on this to bring people to the table to resolve the situation. He said, "If this conflict were between two people, I might see things differently; but it's not. It's a dispute between several agencies representing both the State of Montana and the U. S. Government. The topic is of significant interest to the public. I believe, though, that we must work to bring the parties to the table. Before we know it, it will be winter in Yellowstone again. It could be November, and weather could come as soon as next week, and we all know that here in this part of the country."

So with the support of the Senator, I would have his letter be part of the record.

Senator GRAMS. Without objection, also, I would like to note, too, that Governor Geringer of Wyoming has also provided a statement for the record; and, again, both statements will be made part of the record.

[The prepared statements of Senator Baucus and Governor Geringer follow:]

#### PREPARED STATEMENT OF HON. MAX BAUCUS, U.S. SENATOR FROM MONTANA

Thank you for inviting me to your hearing on S. 745, the bill to address management of the bison in Yellowstone National Park. I wish that I could join you today. While I cannot be there, I am pleased that Montanans have this opportunity to address this important issue.

Let there be no question about it—the management of the Park bison in and around the Park is a serious problem that poses an unacceptable threat to our state's number one industry, beef cattle production. It is time for federal agencies, particularly the Park Service, to stop talking and start acting to help protect this cornerstone of our Montana economy. This can only be done if state and federal officials reach an agreement. It's unfortunate that such agreement was not accomplished earlier this week. I don't believe this issue should be addressed out of the public's eye.

If this were a conflict between two people, I might see things differently. But it is not. This is a dispute between several agencies representing both the State of Montana and the U.S. Government. The topic is of significant interest to the public. I believe we must work to bring all parties back to the table.

Before we know it, winter will come to Yellowstone. It could be in November or it could be next week. And once again, bison will leave the Park in search of forage. No longer can we ignore the obvious and wait for the inevitable conflicts to occur. We must act now and reach a solution which recognizes the needs of the resources and eliminates the threat to the state's largest industry, beef cattle.

As you know, a variety of solutions have been proposed. One is the focus of this hearing today. In addition, Representative Williams suggested a different approach, and the Park Service proposed yet another alternative this week. None of these solutions is a perfect fit but all share at least some common elements. With some hard work and flexibility, I am convinced that somewhere in these proposals lies a workable solution.

Conrad, I look forward to working with you to solve this problem before the end of this year.

## PREPARED STATEMENT OF HON. JIM GERINGER, GOVERNOR, STATE OF WYOMING

Thank you for the opportunity to comment on S. 745, a bill to eradicate brucellosis affecting the bison in Yellowstone National Park.

Current estimates indicate that more than 50% of the bison within Yellowstone Park are infected with brucellosis. The regulatory arm of USDA, APHIS, has threatened to downgrade Wyoming's brucellosis free status because of the infestation within the bison herd. Wyoming producers cannot afford such a designation. Wyoming's effort to achieve "free" status has been long and expensive.

The problem is further exacerbated by the fact that we have 10 gallons of bison in a 5-gallon container. There is general agreement that the Greater Yellowstone Area can support less than half of the estimated 5,000 head currently within the Park. Further estimates indicate that the herd size will increase by a net 700 new bison each year. That certainly infers that action must be taken to bring the herd down to manageable numbers or the problem of infected bison coming out of the park will continue as the animals seek new territory and forage.

I acknowledge that generally acceptable research may not be available to document the likelihood of spreading the disease from bison to cattle. But neither is there acceptance that the transmission does not occur. If we are to err, it seems prudent to err on the side of the millions of dollars that have been spent to bring brucellosis under control rather than allow the time and effort to be lost when evidence indicates a low but not zero probability of transmission between the species.

Mr. Roger Kennedy of the National Park Service stated to me in a meeting we had on April 25 of this year that the Park Service accepts full responsibility to help retain the brucellosis status for Wyoming. Mr. Kennedy, in his discussions with me, noted that the Service has the responsibility to eradicate brucellosis in the entire country, and particularly in Grand Teton and Yellowstone Parks. He acknowledged that without the effort, Wyoming would be left with not only huge economic and animal health issues, but the negative public image of destroying symbols of the America west, an image that we in Wyoming are not anxious to have.

That gives a brief basis for my observations on the bill.

I support S. 745's basic purposes which I see as encompassing two primary goals. The first is to protect the economic viability of the livestock producers in the Western states and the second to improve the health of the bison herd in Yellowstone Park. To achieve those goals, two primary objectives are proposed in your bill. The first would be to eradicate brucellosis in bison and the second would be to set a maximum herd size for the Park.

I am certainly aware of how complicated the brucellosis problem is and how difficult it has been to reach a consensus on any solution. We certainly must be innovative and strive to accommodate a variety of interests. Government will not be the sole provider of the remedy.

I have joined with Governor Marc Racicot of Montana, Governor Phil Batt of Idaho, Secretary Babbitt of the Department of the Interior and Secretary Glickman of the Department of Agriculture to support the Greater Yellowstone Interagency Brucellosis Committee (GYIBC) as providing a forum to deal with the brucellosis issue. The Memorandum of Understanding signed by each of us contains the goal that we protect and sustain the existing free-ranging elk and bison populations in the Greater Yellowstone Area and to protect the public interests and economic viability of the livestock industry in the three states." The MOU further states an objective that we "Plan for elimination of *Brucella abortus* from the Greater Yellowstone Area by the year 2010." I acknowledge that there are many who do not feel that this objective is possible, but the technical arm of the GYIBC, which is an assembly of the finest minds in epidemiology, veterinary research and disease, can finally give credibility to and acceptance of a final solution.

I support the goal of eradication of brucellosis in wild bison. I support the objective of a limited herd size in Yellowstone Park. To that end, I have spoken in favor of S. 745. However, I wish to address the concerns presented to me regarding the test and cull requirements and mandatory bison vaccination requirements of the bill.

Wildlife managers are obviously not equipped to administer a bison test and cull program. To say the least, it would be expensive. I have no idea how the Park Service or the Fish and Wildlife Service could ever provide assurance that all wild bison had been located, let alone tested. There are certainly strong arguments for setting aside the bill while we work on alternative solutions. I support the call for more expedient solutions.

I note that research is being conducted by the Wyoming Game and Fish Department on a promising new vaccine, RB51, which will address brucellosis in elk. That holds out the prospect of a vaccine in turn for bison which might even be deliverable

as an oral vaccine. Other research is being conducted on the probability of interspecies transmission of brucellosis.

My point with calling attention to the scientific studies already completed and yet under way, is to say that we conceivably could find an acceptable solution to disease control that would be so convincing that elk and bison could roam at will in the Greater Yellowstone Area and not cause either a real or even a perceived threat to livestock health. I support such research and exchange of information.

However, I am enough of a realist to know that the process for finding common ground for scientific agreement will be slow and onerous. Keeping the proponents and opponents on track seeking common ground may require a catalyst, something to focus the efforts and keep rhetoric to a minimum.

I view S. 745 as such a catalyst to force diligent effort. If the bill were to become law, I am sure that it would encourage the Park Service and wild bison supporters to come up with alternatives to test and cull. Can we find common ground without the bill? I don't know. I would suggest that the bill contain a provision for finding an alternative solution by a time specific, such as by January 1997, absent which, the bill's provision for test and cull would become effective.

I believe the GYIBC can be the forum to find an alternative solution. The Wyoming representative to the Committee is the Wyoming Director of the Game and Fish Department, Mr. John Talbott. Mr. Talbott also serves as the Chair of the GYIBC. I believe the final solution will require communication, cooperation and compromise, each of which must be based upon mutual trust and good science.

I support a solution that is realistic and enduring. I view your bill as a step along the way. I solicit your support for the GYIBC and its efforts to bring about a permanent solution.

Senator, I commend you for your effort and courtesy. Thank you.

Senator GRAMS. Lieutenant Governor, thank you very much for taking the time to do this.

We would like to have the members of our next panel please come forward. The members of our second panel will be Mr. Mike Finley, Superintendent of Yellowstone National Park, and also Dr. Michael Gilsdorf, who is with the Animal and Plant Health Inspection Services with the U.S. Department of Agriculture. Both gentlemen on this panel will hopefully provide some of the technical information dealing with the problems surrounding the brucellosis and the bison from Yellowstone Park.

Gentlemen, welcome and thank you very much for taking your time and appearing this morning before this committee. I think we will start with Mr. Finley, with your opening statement.

#### **STATEMENT OF MIKE FINLEY, SUPERINTENDENT, YELLOWSTONE NATIONAL PARK**

Mr. FINLEY. Thank you very much, Mr. Chairman. We were not asked, as the committee is aware, to provide the administration's testimony. I do have a couple of opening remarks; and then if you would like, I could proceed answering questions that can be sent to Director Kennedy.

Senator GRAMS. Without objection, that would be fine.

Mr. FINLEY. Thank you. I spoke to Senator Burns prior to the opening of this hearing and he expressed great frustration. I must share with you that since I arrived in Yellowstone in November and began learning this issue, that I have developed a great degree of frustration, also.

As you know, Congress gives many mandates to many Federal agencies, and it's sometimes difficult to cleanly and clearly reach those mandates. We are seeking to do that. The National Park Service certainly agrees with the goal that we would like to see economic stability for Montana's livestock industry. We see no value to the disease, brucellosis, in Yellowstone ecosystem. It did not



originate in Yellowstone. We see no value to the disease and we agree with the goal to eliminate brucellosis from the Greater Yellowstone ecosystem.

As we look at the alignment of positions between agencies and mandates, I guess I see two victims. Certainly the ranchers are victims, and the bison are victims. We have signed an interagency agreement with the three governors of the States and the Department of the Interior and the Department of Agriculture, the GYIBC (Greater Yellowstone Interagency Brucellosis Committee), agreeing to these common goals: one, to seek the elimination of the disease, brucellosis; two, to protect the free-ranging bison within the Greater Yellowstone area.

Not only are bison wild animals, the same status as deer, antelope and elk, but Congress, itself, has provided specific designation for habitat outside of Yellowstone to be occupied by Yellowstone wildlife in the winter, specifically in the Gallatin National Forest. So these agencies and these States have agreed to the greater goal of protecting that free-ranging status; and we think that's important because bison are managed just like deer and elk, and we have interagency agreements that provide for that cooperation.

With that, I'll turn to the specific questions unless there's some objection.

Senator GRAMS. No, go ahead.

Mr. FINLEY. The committee asked us to provide facts and figures concerning the current population of bison in Yellowstone National Park. Bison in Yellowstone are generally in three herds: Lamar Herd on the northern range in Lamar Valley and Yellowstone Valley; the Mary Martin Herd, the largest, summers in Hayden Valley and winters in Firehole, Gibbon and Madison Rivers; and the Pelican Valley Herd north of Yellowstone Lake.

These bison are remnants from the Ice Age. They have been here for over 10,000 years according to the fossil record. You will find that not only did they extend from the Great Plains, but they were as far west as Oregon and we have found hundreds of bison skulls as far west as Mudd Lake in Idaho, and so forth. So these bison preceded the establishment of Yellowstone National Park and preceded the establishment of the three States.

They have been reduced over the years to smaller populations when Yellowstone was first established in 1872. In the last several years, as everyone in this room is aware, we have had mild winters and the population has grown. Last winter the total population was slightly over 4,000. Participating with the State of Montana, about 412 were killed. Incidentally, our costs run in the range between \$70,000 and \$80,000 a year. We co-monitor with the State. We participate in the shootings outside the Park. We use our front-end loaders to hang the carcasses, and we use our dump trucks to take the internal organs to the dumps. We killed about 412 in control actions north of the boundary at Gardiner and in West Yellowstone.

Our bison biologist, or I should say the National Biological Services bison biologist, conducted a count on June 16, 1995, and found a total of 3,689 bison. That includes this year's reproduction of 455 calves. Less than half of these calves will survive to adulthood. This would indicate that with the 400 killed in West Yellowstone



and Gardiner last winter, there were up to 600 bison that died over the winter within Yellowstone.

These winter kills of bison are an essential part of the system in Yellowstone and provide food at critical times in late winter and spring for grizzly bears. If we ever hope to delist the grizzly bear, we need to ensure these types of nutrients and food value early in the winter before the vegetation emerges. Not only do they provide food for grizzly and black bear, these carcasses, but also for coyotes, wolverines, eagles, et cetera. If you've ever watched a gathering at a bison carcass in the winter in Yellowstone, it is a truly social event.

Studies have just been completed on the northern range in Lamar and Yellowstone drainages. These studies, most of which were done by independent scientists, concluded current ungulate numbers are not adversely affected, affecting grassland resources. Now, I know there's a conventional wisdom that says that there are too many bison and they've overgrazed the rangelands. We rely on independent scientists to give us their best judgment, and these are studies that, Senator, we will send to Congress based on a previous appropriations request.

No similar investigations have been completed on bison ranges in the central portions of the Park. This is a need we recognize and have initiated scientific investigations to address this question. That answer dealt with questions one and two, including the bison population trends within Park boundaries.

You asked the question, what would be the optimum population. The population in Yellowstone has varied over the years, at least for the last 30, when they have been intensely managed. Until 1967 the population was reduced by trapping and shooting, and the population was about 367 animals at that time. These artificial reductions were stopped in the late 1960's amid abundant controversy after severe public criticism. Because of favorable habitat and the mild winters that I spoke to, the bison population has grown to between 3 and 4,000 animals. The population will vary from year to year and the principal factor which will regulate the size of the population is the severity and duration of winter. It will not be a static figure. The ecological carrying capacity will be determined by a number of factors, including spring and summer moisture, the temperature, alluded-to abundant forage this year, the severity and duration of the winter, including depth, icing and snow cover.

This is an important question in terms of this population. Again, I refer back to the carcasses and the need for the other wildlife, that there's a dependence upon Yellowstone bison and that I cannot find any scientific evidence that fixes a carrying capacity at a given number that is appropriate that we can rely on and say that's good science or that range factors determine that.

The third question was the estimated number of bison in Yellowstone National Park that are infected with brucellosis bacteria in addition to background information and procedures which were used to arrive at Park Service estimates. This is a difficult question and one of the points that leads to endless debates; however, it is a very important question if we are to deal with the situation from a scientific standpoint. Since brucellosis was first detected in 1917,

the population has shown quite a consistent level of exposure. This is the 50 percent figure you read about in the newspapers all the time, but that does not mean 50 percent of Yellowstone bison have brucellosis, nor does it say how many pose a risk of transmission. It means that 50 percent have been exposed to the organism. Twelve percent of the 218 bison sampled by the Montana Department of Livestock during patrol actions during the winter of 1991 and 1992 were carriers of *Brucella abortus*. Of those animals, about 4 percent may have been able to transmit the disease. But, again, these figures are a source of seemingly endless scientific debate, and this is why the progress made by the Greater Yellowstone Interagency Brucellosis Committee is important. We need to continue credible investigations to refine the information so we can make better and more informed decisions.

The fourth question was a park-by-park description of bison herds managed by the National Park Service. Every park in the National Park System is unique and was created for a myriad of purposes under different enabling legislation. Yellowstone National Park was created to preserve the natural wonders and wildlife therein for future generations. With this in mind, bison in Yellowstone, like other wildlife such as deer and elk, are managed to occupy as much of their original range as possible, including the Greater Yellowstone and national forest lands outside. As such, the Park provides for the largest, truly-wild, free-ranging bison population in the world.

As we look to where people come and why they come to parks like Yellowstone, they do not only come for the scenery. They come for the incredible diversity of wildlife and the life processes that are before them, the birth of bison calves, the birth of elk calves, the grizzly bears eating elk calves, that incredible showcase that attracts visitors from around the world to Yellowstone and similar national parks.

Grand Teton National Park also manages a small herd, about 250 animals. This bison herd is managed as a free-range herd. Three other park units in the country that have bison, for example, Teddy Roosevelt National Park, Badlands and Wind Cave, are about one-tenth the size of Yellowstone and have one-tenth as many bison. These are small, reintroduced bison populations. They are completely fenced and, because of limited land base, are intensively managed as remnant examples of the extinct Great Plains ecosystem.

Now, we did not really have the appropriate time, Senator. If you would like, we could submit for the committee an analysis of the legislative history for those units, the specific House and Senate reports directing how that wildlife will be managed. That would be at your option.

The last question was a historical overview of the management of the Yellowstone bison. As I mentioned before, bison in the Greater Yellowstone area have been here for at least 10,000 years, as indicated by fossil records and historical reports early in the 1840's, and so forth. The bison of Yellowstone represent one of this country's greatest conservation success stories following the wholesale annihilation of over 30 million of their kind throughout the rest of the land. Our bison are descendents of about 23 animals that sur-

vived human market hunting and poaching at the turn of the century and persisted in Yellowstone's Pelican Valley. In 1902, a small group of 21 other bison, basically from Texas and Montana, were brought to Mammoth Hot Springs as a visitor attraction. They were fenced and ranched. Eventually the intensive bison ranching operations were phased out and all populations were allowed to mix, interbreed, increase in numbers and roam free. Herd culling lowered the population to 397 animals in 1967. Again, that led to the controversy changing our policy. Since that time, Yellowstone has managed the bison population with as little interference as possible, and the herd has grown to between 3 and 4,000 animals. This is now the largest free-ranging American bison population in the world.

That concludes the questions, Senator.

Senator GRAMS. Thank you very much, Mr. Finley; and, by the way, the staff will be in touch with you regarding the legislative history that you mentioned. Any information they would deem important will be submitted to the record.

Dr. Gilsdorf.

Dr. GILSDORF. I did not bring copies of the questions.

Senator GRAMS. We have got a collection of them here we will ask you, but did you have any opening remarks that you would like to make?

Dr. GILSDORF. No. I did not prepare any.

Senator GRAMS. I would like to ask Mr. Finley just a couple of quick questions. I think some of it centers around maybe the question about how many bison are in the Park, how many the Park can sustain and what you feel that the National Park Service can manage. I think maybe there is the discrepancy, that you feel that between 3 and 4,000 is not out of bounds of what the Park can maybe maintain or sustain; but my question would be, how many is adequately managed at that number? Should it be around 2,000? Should it be 3,000? I think the big concern is the management of the bison that are there.

Mr. FINLEY. I understand that, Senator; and we would not be here today if it were not for Brucella. We manage elk populations, deer populations and other wildlife around national parks in cooperative agreement with the States. We do that with Montana right now with elk. We mutually agree that we have a joint responsibility that we manage elk inside the Park, and when they leave the Park, they're the responsibility of the State of Montana. We jointly benefit. The citizens of the United States and the citizens of Montana jointly benefit from that cooperative approach to wildlife management.

I do not see the approach any differently. Obviously it's clouded by brucellosis; and when I mentioned that the three States and the two Federal agencies signed the Greater Yellowstone Interagency Brucellosis Committee agreement, there is overall commitment to, one, eliminate brucellosis and, two, manage in the Greater Yellowstone area.

Now, what happens to that population? As anyone who hunts in this room knows, wildlife, when it snows, comes down out of the mountains. Bison exhibit similar behavior. They will move from a summer range where they are higher up now in the Park to their



wintering areas in the Park. Some of them have herd memory, just like if I were to go with you to Washington, D.C., you would remember a good restaurant and you might take me there. Bison, also, lead cows, understand where and when to go with a change of seasons.

Now, that creates problems for us because of the imperfect boundaries of Yellowstone. The Church Universal Triumphant happens to be right across the line, and we recognize that there are impacts from Yellowstone bison on private property; and we have agreed both with the State and with the Church that we will take action. The Church is not satisfied because most of the action occurs on their property. We are resolved to work right at the line or within the Park to protect private-property interests in this controversy.

So we have subpopulations at Yellowstone at various times at various locations that are going to come out and cause us problems. They are not driven by an overall shortage of forage in the Park. They are driven by herd memory. You know, the first time that the bison came into Mammoth, Mary Marr, the Yellowstone bison biologist, tells me there were seven of them; and she recommended to the superintendent, "Kill those bison now. They've found their way down here and they are going to potentially be a problem to adjacent private property." The Park Service initiated that, began that action, and was stopped again by political pressure in the Secretary's office for shooting bison. So there are some recognitions in herd memory. We would like to see further studies to document that behavior.

I guess in summary I would say that we know at times, based on winters, that we are going to have light winters, we are going to have surges or bulges in Yellowstone population. We would like to work with the States to say once we clean up the brucellosis, that that would provide an opportunity for public hunting on the national forest. Not a type of reduction hunt that got everyone a black eye, including the State of Montana, but hunting more like the Henry Mountains in Utah, where you have a wild, free-ranging herd where sportsmen, sportswomen take bison. So we would look to the same cooperation with bison once we can solve this disease issue that we see with elk and deer; and that is, we rely on the States to be partners to manage the wildlife that belong to the public.

Senator GRAMS. I think you are correct when you said we would not be here if it was not for brucellosis; and I think people would agree that if there was 4,000 bison and no brucellosis, there would not be any complaints, but if there was 300 and the problem existed, there would be a lot of complaints. So I guess, really, the question is, how can we reach an agreement where the Park is going to be able to manage this and to assure in the future that this problem is going to be eradicated, the steps that are going to be taken in cooperation with the State and with other agencies?

Mr. FINLEY. Well, I know Senator Burns does not want to hear this, based on our previous conversation, but I think we are very close on several fronts. One, with resolving the lawsuit with the State of Montana. I cannot prejudge that, but I think we have had some fruitful discussions. I think we are very close to having con-



sensus at least on a joint proposal that we can put forth to the public in a bison management plan and environmental impact statement so that the public can comment on whether they think that the proposal put forth by the Federal and State agencies is appropriate. We have worked with APHIS on looking at protocols, including vaccination of Yellowstone bison and some limited culling of Yellowstone bison. So we are working, we believe, in concert to protect the economic viability of the State and the stockgrowers, but still not really overly traumatize the Yellowstone bison or cause public outrage over the way we would manage what is a public trust.

Senator GRAMS. Just quickly before I pass it on to Senator Burns, you said there were 300 and some bison in 1967. It has grown to nearly 4,000 today. Any projections on herd growth over the next 10 years, and are there any signs of what those projections could be and basically how much the Park could not only sustain as far as habitat, but manage, as well? We do not want to let the herd grow to 6,000.

Mr. FINLEY. No. There are several factors here that we need to consider. We know that we cannot just let the population of any species just grow and grow and grow without regulation because we have artificial boundaries and we have constraints on our boundaries, such as private property. There are other goals in society that we have to recognize, and we do. But there are mechanisms that we would like to rely upon as the initial population controller.

This winter, which was the first substantial winter we have had, again, as I said, we lost probably between 5 and 600 bison that were important in the food chain. That's important to do. If we can work on protocols with the States to rely on hunting and if some of these populations go into the wildlife management areas or national forests adjacent to us, that's another way. To agree upon numbers and cull numbers, that's what we do with elk. I think there are 2,000 permits issued by the State of Montana for elk to be taken in a special hunt, like Gardiner. So there are some mechanisms where the public benefits and we benefit.

I cannot be specific on what the exact number is because we do not have the exact science to say we should have 2,800 bison or 3,300 bison. It's something that we need to address in terms of our overall bison management strategy.

Senator GRAMS. Senator Burns.

Senator BURNS. I have just a couple of questions. We did have a little conversation in here before the hearing. I guess Mr. Finley understands where I am coming from, too, because we have been frustrated from the standpoint of having a Greater Yellowstone bison, or brucellosis control interagency group working right now and you say, "But we do not have the proper science as far as carrying capacity is concerned." I would like to know right now your source of information—the people that you are using right now to collect your information as far as range science is concerned.

Mr. FINLEY. I will have to provide that for the record. I do know that one of the range scientists is Linda Wallace from the University of Oklahoma. I've talked to her specifically about the grasses in Yellowstone, at what level you actually see stimulation by graz-

ing. But, Senator, I will have to provide that for the record. I know there are more than one. That's just one that I spent 2 hours with.

Senator BURNS. I do not know the questions, I guess. Are you going to ask the questions of Dr. Gilsdorf?

I can remember the first time I went to the Park a long time ago, Mr. Finley, and how people that come to Yellowstone Park to see a grizzly bear?

Mr. FINLEY. You know, I could not give you an honest—

Senator BURNS. How about a brown bear or a black bear?

Mr. FINLEY. We do have some people that—

Senator BURNS. I used to see them all the time, but I have not seen a bear up there for a long time. Of course, I do not get too far off the road, us old fellows, you know.

Mr. FINLEY. Well, I can tell you that they are seeing a lot more of them. Like in Lamar this year, we had people that would come into my office and they'd see 8 grizzly bears, 11 grizzly bears. It depends on the circumstance and where they happen to be.

Senator BURNS. Those are all the questions I have. Mike and I, we have visited about this thing but it is just to the point where we are frustrated, Mr. Finley, that we hear a lot of all these glorious things getting together, but we do not see anything happen; and here we are, we are going to have winter on us again. I would like to be ahead of the curve. I do not want an outbreak. I would rather be ahead of the curve than behind it. Basically, that is when we react instead of act, and I do not like the reaction part of it. I appreciate your coming today and appreciate your statement. Do you want to ask APHIS some questions?

Senator GRAMS. Yes. Did you want to also mention about Governor Geringer and his comments for the record?

Senator BURNS. His comments, I would put the Governor's comments into the record. He has fully supported this legislation and action to do something about it. Again, we run into some problems, I guess. I was raised in a different part of the country than Montana. I know if you had asked me when I first came to Montana to come to the Lamar Valley or to Yellowstone Park and give you an idea of what the carrying capacity of livestock is up there, I would probably have been very critical of it because it does not look like the green, northwest Missouri in which I was raised.

I am wondering, are you using anybody from the Society of Range Management? I would like to give them a lot of credit because our ranges are in better shape now than they have been since way before the Great Depression and the terrible drought of the 1930's, and that it is an organization that has really taken on these things for range improvement. But have you used anybody from the Society?

Mr. FINLEY. I cannot answer that personally. We'll provide that. What we will provide for the Committee, Senator, is a list of all the scientists who have been doing studies.

Senator BURNS. Would you welcome the Society of Range Management to be a participant in this?

Mr. FINLEY. I will meet with them personally.

Senator BURNS. Thank you.

Senator GRAMS. Thank you very much, Conrad. Dr. Gilsdorf, just a couple questions we would like to have for the committee, and

number one is, what is the current status of the brucellosis education program?

Dr. GILSDORF. The brucellosis eradication program is a cooperative effort between Federal Government, State Governments and industry; and we've had tremendous progress in the last 5 years, especially. We've been under a rapid completion program. Back in 1990, we had over a thousand known-infected herds. Since then, we have been able to decrease the amount of infected herds even though we've found hundreds of herds over those 5 years. Last year, in June, the number of infected herds was down to 240.

Senator GRAMS. These are across the country, 240 herds?

Dr. GILSDORF. 240 separate cattle and bison herds in the country; and now in the last one year, from June of 1994 to June of 1995, we had a 60-percent, possibly 60-percent reduction in that number, so we are right now at 93 infected herds throughout the country. So that's where we are with this as far as the number of infected herds.

As far as the program goes, we have, as we have talked about here, a procedure for classifying States; they're Class Free or they're Class A, B or C, Class Free meaning there's no infection in the State.

Senator GRAMS. What is the procedure for certifying that a State is brucellosis free?

Dr. GILSDORF. When a State advances to Class-Free status, there are several things that have to be met. Number one is that they have to be free of brucellosis in all their cattle and bison herds for at least 1 year. Then they have to have adequate surveillance to make sure that they really know that they were free, and that includes they have to have two negative herd tests on all their dairies, or just two herd tests on all their dairies, and there's surveillance at slaughter, when all cattle and bison over 2 years of age have to be, blood has to be collected and tested, at least 95 percent of them at slaughter. Out of those that are tested, if we find seropositives, they have to be traced back to the herds of origin, at least 90 percent of those, and then those herds that we find reactors out of, we have to test those and if the herds are not tested, then it has to be justified why they were not tested. Then a report has to be filed, a review has to be conducted; and when everything is correct and approved, then Class-Free status is published in the Federal Register.

Senator GRAMS. What was the process that happened over the past winter that allowed the nine States, as Conrad mentioned earlier, to either place sanctions or threaten sanctions against the State of Montana?

Dr. GILSDORF. Well, the rules and regulations of the eradication program and the guidelines are minimum rules and regulations. The States can choose to take additional measures if they need to to protect their own industries in the way they feel is necessary. So the program has the minimum requirements and the State can take additional requirements if they need to.

There's been a lot of concern expressed here about the migration of the bison out of the Park by the States surrounding this area and the States that have taken the actions, primarily because of the continuing presence of brucellosis, the increasing number of



bison in the Park and the fact that last year they predicted a heavy winter which could cause more bison to come down.

Senator GRAMS. What happens if you do nothing with the bison herds in Yellowstone Park? Do we face or do Montana cattlemen face the possibility of more sanctions by more States if we do nothing?

Dr. GILSDORF. If Montana does nothing?

Senator GRAMS. Yes, if the herds are not brucellosis-free.

Dr. GILSDORF. Well, if nothing has been done, the likelihood of the bison coming out and wandering around into livestock areas increases dramatically. We have done a good job, Montana has done a good job of keeping those out in the past and, therefore, no disease has been detected or spread. If no actions were taken, then the probability of infection occurring is very high in my opinion.

Senator GRAMS. Mr. Finley, do you agree with that?

Mr. FINLEY. I am not qualified to agree with an epidemiological assessment. I can say this, though. We have 75 years' record of safety. In other words, the National Park Service in its culling operations from the 1920's, we have slaughtered over 10,000 bison and handled them without infection to maintenance workers, rangers or slaughterhouse workers. And, you know, some people have asked me, "Who is on the other side of this issue?" "Where is the smoking gun?" In the last 75 years, the last 50 years, the last 10 years or the last 5 years, where is a Montana herd or any herd where the infection was traced back to Yellowstone?

Now, I realize that that's not a popular point of view, but it is a point of view raised to us as land managers when we say that we are going to participate in the elimination of the disease or we are going to do test and slaughter; and people, particularly some of the animal-rights groups, look and say, "Where is your justification? Where is the smoking gun," and that makes it difficult for us, and I'm just being honest with you here so you can understand that we are not reluctant, but we are driven by evidence, too.

Senator GRAMS. Conrad, do you have any other questions?

Senator BURNS. Just a follow-up on the smoking gun. Usually after a smoking gun, there is somebody dead; and I do not want a smoking gun. We want to be ahead of the curve. I do not know why it takes so much rhetoric to get out there that we would like to be ahead of the curve. We are trying to prevent something from happening. That is what I guess drives us; and if I had an economic investment in something that there is a possibility out there, I would be a little more concerned than if I was a person that was only worried about a smoking gun. That is the point we are trying to make. We would like to be ahead of it.

Senator GRAMS. Dr. Gilsdorf, how long has APHIS been involved in the eradication program; and if we go back to the smoking-gun theory, does it have the capability or opportunity to trace it this far, to find the so-called smoking gun if that is where it leads?

Dr. GILSDORF. The eradication program started, it's debatable which place it started; but in 1934, an effort started to eradicate brucellosis. Also, we had additional funding in 1954 that really got a lot of the program underway. So we have been working on this for quite awhile throughout the country. What was the second part of your question?

Senator GRAMS. Does APHIS have the ability to find the smoking gun? Mr. Finley just said there has not been any real trace that has led back to a smoking gun out of Yellowstone.

Dr. GILSDORF. Well, there's indications that wildlife has caused infection in at least seven Wyoming cattle herds in the past; but we are not in the business of publishing articles, and so forth, so it has not been documented in an article. I have gathered what I could from old records to find out when and where, and so forth, and what happened in those herds; but about all I could get is that there was infection. The epidemiology that was conducted indicated that it was from, most likely from wildlife. Which wildlife, we would not know.

Senator GRAMS. I have no other questions.

Senator BURNS. I have no other questions.

Senator GRAMS. I would just like to also mention, again, that any of the written testimony would be accepted by the committee as part of the record. We would all like to have the opportunity that if we have any other questions, that we could submit them to either yourself, Dr. Gilsdorf, or Mr. Finley, in writing, and have a written response from you, also, for into the record.

Thank you very much for being here. Thank you.

Our next panel, Panel 2. I would like to call from our next panel Mr. Ralph Peck, who is director of the Department of Agriculture for the State of Montana, Mr. Patrick Graham, director of the Department of Fish, Wildlife and Parks from the State of Montana, and Dr. Clarence Siroky, State veterinarian, Department of Livestock, State of Montana.

I found one thing in broadcasting. There are two sins: mispronouncing a person's name or the place they come from. So I hope I get real close, if not on.

I want to welcome our next panel. Gentlemen, thank you very much for being here. I was just told that at great expense to the Federal Government, we have brought out the lights. We would like to keep your opening statements to about 5 minutes. The green light will come on when there is 1 minute left; and, of course, when 5 minutes have expired, the red light will come on. So if we can keep close to that, it would be appreciated.

We would like to hear your opening statements. Mr. Peck, we will start with you.

#### **STATEMENT OF RALPH PECK, DIRECTOR, DEPARTMENT OF AGRICULTURE, STATE OF MONTANA**

Mr. PECK. Thank you, Mr. Chairman and Senator Burns. For the record, my name is Ralph Peck, director of the Montana Department of Agriculture. I'm here to testify today in favor of the concept behind S. 745 and in strong support of congressional involvement in this issue.

Under current management of the Yellowstone National Park bison herd by the National Park Service, Montana's cattle industry is experiencing a devastating economic blow. The potential spread of brucellosis outside Park boundaries because of wandering bison poses a serious disease risk to cattle and humans. Brucellosis causes abortion in cattle and undulant fever in humans. Cattle abortion is a serious economic program in a State such as Montana

where cattle and cow production, beef production operations predominate.

In 1934, as you heard from the previous presenters, initial efforts were begun to control brucellosis; and then in 1954, an aggressive, nationwide eradication program was adapted. As you have heard in APHIS testimony, today there are right at 93 infected herds in the United States. Montanans and Montana has worked hard to achieve a brucellosis-free status, which we achieved in 1985. This was only accomplished through a continuous and extensive program of vaccination, neutering and slaughtering of infected animals, all at the major expense of livestock producers.

Lieutenant Governor Rehberg's testimony has detailed our concern about Yellowstone Park's current nonmanagement status. Nearly one-half of the Yellowstone National Park bison herd is infected with brucellosis. This poses a serious threat to the livelihood of Montana cattle producers and the rural economy of our State. Our cattle industry, which injects an average of \$760 million annually into Montana's economy, has already begun to experience the negative effects of the problem. Six States have placed restrictions on Montana's cattle shipments, reducing current, viable markets for beef producers. Should other States also adopt restrictions, the economic effect due to lost markets will be devastating to Montana's cattle industry and our State's economy.

Montana producers have worked for 51 years to develop and maintain a brucellosis-free market system. We cannot stand by and see markets closed to Montana producers due to introduced, uncontrolled, diseased animals in our national park system. As the economic climate continues to tighten for farmers and ranchers, it's imperative that Montana maintain its brucellosis-free status to protect our cattle industry, our markets and our economy.

In addition to eradication of brucellosis, S. 745 requires park managers to limit herd numbers to available forage, which makes commonsense. Since 1967, Yellowstone National Park has used "natural regulation" for control of bison population. This is not a realistic management policy considering that bison are no longer hunted by Native Americans, and other natural control mechanisms do not exist.

Let me repeat a comment made by Lieutenant Governor Rehberg which illustrates Western, practical, commonsense. "The State of Montana simply wants Yellowstone National Park to manage its bison the way other bison and cattle owners in America manage livestock, by eradicating diseases, managing population numbers on available forage, and to be a good neighbor. It's critical to the long-term stability of Montana's cattle industry, its economy, the bison herd in Yellowstone Park that that bison herd be brucellosis-free." S. 745 is a good start, a good goal in that direction.

The Department of Agriculture deals with marketing issues that are important to Montana, and we deal a lot with marketing issues for our cattle industry. My colleagues here today can address management and the health issues, and I think they will do that very effectively. Thank you.

Senator GRAMS. Thank you very much, Mr. Peck.  
Mr. Graham.



## STATEMENT OF PATRICK J. GRAHAM, DIRECTOR, MONTANA FISH, WILDLIFE AND PARKS

Mr. GRAHAM. Again, Pat Graham, director of Montana Fish, Wildlife and Parks. I appreciate the opportunity to be here. Bison are special animals to the American people. It's already been noted. They also have the unique distinction in Montana of having three different classifications. They are classified at the same time as a game animal, livestock and a species in need of management. That latter classification came about as a result of the increase in the number of bison from Yellowstone, in Yellowstone Park and their subsequent out-migration; and, of course, the implications of that have been well described already this morning.

Bison that migrate from Yellowstone into Montana represent in our view kind of a peculiar, unfunded mandate, if you would, a source of extreme frustration for the State. You have two Federal agencies who have differing responsibilities, differing missions under the law; but unfortunately, Montana is unfairly accountable for the consequences of their inability to cooperate.

The Park Service manages according to natural regulation; and while this may be a desirable goal, it ignores the historical fact that human privation was the largest means of controlling that bison population. Also, that policy is insensitive to the APHIS's responsibility under the national brucellosis program to manage for brucellosis-free cattle herds. APHIS, at the same time, is similarly insensitive to the fact that bison has a special place in this country, especially in Yellowstone National Park, and has been unwilling at times to seriously consider other options and traditional means of controlling the brucellosis problem. APHIS has also been unwilling or unable to require the National Park to comply with the national brucellosis program. Instead, they have threatened Montana's livestock industry with testing requirements because Montana does not require the Park to control bison.

I thought the previous speakers kind of helped outline some of the things better than I could. I think you got to see some of the frustrations first-hand there. Time is not on our side. We've got a problem here that reproduces itself, literally. It reproduces itself every year; and as those numbers increase, the problem and the management of that problem becomes more difficult. We can debate carrying capacity, we can debate range condition, but one thing is unrefutable. As the number of bison in the Park increase, the number of bison migrating out of the Park increases, and they are diseased bison.

When those bison come out of the Park, you asked earlier about how we can control those bison. One of the difficulties in controlling those bison is the bison come out of the Park when the bison choose to come out of the Park, when, where and in the numbers that they choose, not the numbers that we choose. So we are left to manage this population at the border.

Superintendent Finley described some options that he thought might be suitable for managing bison. Certainly those options might be suitable if we had a disease-free population of bison, but we do not. So those options have to wait until that disease-free status is attained; and it shifts the responsibility and I think the focus

away from the problem that we have today, which is how to manage that bison population in the status that it is.

In 1989, then-Superintendent Barbee advised then-Governor Stephens that Yellowstone Park would cooperate with Montana to develop a long-term management plan for bison. However, an environmental impact statement would be required to implement that plan. Unfortunately, we are scarcely closer today to completing that plan than we were back in 1989.

Perhaps it is time to legislate a management solution for Yellowstone Park bison. As you deliberate S. 745, you will hear the extreme polarity, I'm sure, around this issue. I'd like to offer a couple of constructive proposals that might help S. 745 provide an improved framework for genuine cooperation. The management action specified in the draft of this bill that I reviewed appeared to be more firm than would be necessary in the immediate future to address Montana's compliance concerns. For example, the requirement to capture and test all bison and require an optimum population number and to reduce the herd to 500 below that, while they may be good, acceptable, long-term goals, it may not be achievable in the short term and might further delay our ability to come in compliance.

In addition to considering that, we would encourage consideration of some additional elements to the bill, authorization of the Park Service to capture and test all migrant bison on either side of the Park boundary to achieve both population control and disease control, authorization in funding to construct quarantine facilities at suitable locations on adjacent lands under the jurisdiction of the appropriate State veterinarian and also authorization and funding to participate in the management of the quarantine facilities by tribal governments and other appropriate social organizations that might be interested in receiving bison.

Let me assure the Senators and the members of the committee that the Montana Department of Fish, Wildlife and Parks welcomes the opportunity to participate in these hearings and we pledge our cooperation. Thank you.

[The prepared statement of Mr. Graham follows:]

PREPARED STATEMENT OF PATRICK J. GRAHAM, DIRECTOR, MONTANA FISH, WILDLIFE AND PARKS

Bison are special animals to the American people. Bison also have the unique distinction of being the only species in Montana classified as a game animal, livestock and a species in need of management. The later classification came about as the population of bison in Yellowstone National Park increased from a few hundred to between three and four thousand. The result has been a steady increase in the number of bison leaving Yellowstone National Park.

Bison that migrate from Yellowstone National Park into Montana represent a peculiar "unfunded mandate" and a source of extreme frustration to the State of Montana. Two Federal agencies have differing responsibilities for the management of these animals. Montana is unfairly accountable for the consequences of their unwillingness to cooperate.

The National Park Service (NPS) manages Yellowstone's bison according to a policy of natural regulation. This policy ignores the fact that, in a historical context of the Park, natural regulation was accomplished by human predation.

APHIS also has been unwilling or unable to require Yellowstone Park to comply with the National Brucellosis Program. Instead, APHIS has periodically threatened Montana's livestock industry with testing requirements because Montana does not require the Park to control its bison.

NPS and APHIS have a 30-year history of mutual antagonism. Their failure to cooperate leaves Montana with two unacceptable options. We can incur significant economic sanctions against Montana's cattle in national and international livestock markets or we can gun down bison at the border. Neither is desired public policy in Montana.

The feud between NPS and APHIS is now institutional. Their apparent mutual lack of respect and understanding for each other's mandates has only engendered more recalcitrance. Public understanding of Montana's problem largely is limited to choosing sides and repeating the rhetoric. The testimony you hear later today likely will confirm my observation.

You will hear well-intentioned people from the environmental community tell you that bison do not pose a risk to cattle. Brucellosis in bison behaves differently than the same disease in cattle. Furthermore, there has never been a documented case of brucellosis transmission from Park bison. While there may be some validity in these statements, please consider the broader context.

Documentation of disease transmission, as Dr. Siroky's testimony regarding epidemiology will confirm, is accomplished through the best professional interpretation of circumstantial information. Critics of the need to control bison are unlikely to equate scientific documentation with the professional judgment of a licensed veterinarian. It also must be remembered that free association between bison and cattle is essential for transmission. The routine shooting of bison at the border of Yellowstone National Park is a significant deterrent to free association.

Similarly, you will hear sincere people from the livestock industry criticize the failed policies of the National Park Service. They will point to the ecological disasters in the Park that have resulted from the lack of range management. They also will emphasize that eradication is the only appropriate way to manage brucellosis.

Again, there is some truth to these statements but, in the broader context, other facts must also be addressed. Montana's problem is that the conflict between NPS and APHIS compromises our ability to comply with the National Brucellosis Program. Although our problem may be exacerbated because the lack of forage in the Park may lead to additional migration, it is not strictly a range management issue. Certainly, in the long-term, we would prefer to see the elimination of brucellosis from wildlife in the Greater Yellowstone Area. But, eradication of brucellosis from bison is not necessary for us to be in compliance with the National Brucellosis Program.

In March 1989, Superintendent Barbee advised then Governor Stephens that Yellowstone Park would cooperate with Montana to develop a long-term management plan for Park bison. However, an Environmental Impact Statement would be required to implement the plan. We are no closer today than we were then in completing that plan. Our attempt to complete the EIS confirmed that an administrative solution would require mutual trust, respect and commitment to cooperation. It also confirmed that the stalemate between NPS and APHIS is deeply entrenched.

It is apparent that we cannot solve Montana's compliance problem by continuing to perpetuate the traditional arguments. Meaningful resolution can only be accomplished if all responsible agencies agree to cooperate. Genuine cooperation is possible only if all of the agencies agree to redefine the problem and potential solutions in a way that respects the legitimate interests of all affected parties. I want to repeat that statement. Genuine cooperation is possible only if all of the agencies agree to redefine the problem and potential solutions in a way that respects the legitimate interest of all affected parties.

Perhaps it is time to legislate a management solution for Yellowstone Park bison. As you deliberate Senate Bill 745, please listen to the extreme polarity.

I would like to offer some constructive proposals that can help Senate Bill 745 provide an improved framework that could lead to the genuine cooperation I mentioned earlier. The management actions specified in the draft appear to be more than what otherwise would be required in the near term to maintain Montana's compliance with the National Brucellosis Program and to protect Montana's interest in the management of the Park bison herd.

Three specific elements may unnecessarily trigger debate over activities within the Park and divert attention away from solving our immediate concerns: (1) the requirement to capture and test all bison; (2) the requirement to define an optimum population for the Park and reduce the herd to a level approximately 500 less than that number; and (3) the implication of no tolerance for the migration of bison from the Park even if the eradication of brucellosis is successful.

In addition to modifying language that corresponds to the above concerns, we would encourage consideration of the following amendments:

1. Authorization for NPS to capture and test all migrant bison on either side of the Park boundary; to achieve population control and disease control;



2. Authorization and funding to construct quarantine facilities at suitable locations on adjacent National Forest lands, leased or purchased ranch lands or on tribal land, with the consent of the tribe, within the Greater Yellowstone area and under the jurisdiction of the appropriate State Veterinarian;

3. Authorization and funding for participation in the management of the quarantine facilities by tribal governments, designated representatives of tribal governments or designated representatives of appropriate social services organizations;

4. Authorization for the donation of bison heads, hides and carcasses and live, disease-free bison to tribes and organizations who assist with bison management;

5. Authorization for APHIS and the Gallatin National Forest to assist with all phases of bison management; and,

6. Recognition and support for the Greater Yellowstone Interagency Brucellosis Committee as the appropriate forum for development of a long-term strategy for the eventual elimination of brucellosis from wildlife in the Greater Yellowstone Area.

Let me assure Senator Burns and the members of this Committee that the Montana Department of Fish, Wildlife & Parks welcomes the opportunity to participate in this hearing and pledges assistance in continuing to shape Senate Bill 745.

For the record, appended to our prepared statement is a copy of correspondence from Governor Racicot to President Clinton that describes Montana's frustration with the management of Park bison; a copy of a fact sheet that Montana Fish, Wildlife & Parks prepared to explain the bison management situation, as it existed at the beginning of the 1994-95 winter; and a general description of Montana's preferred long-term management strategy.\*

Senator GRAMS. Thank you very much, Mr. Graham.

Dr. Siroky.

#### STATEMENT OF DR. CLARENCE SIROKY, MONTANA BOARD OF LIVESTOCK

Dr. SIROKY. Good morning. Members of the committee, Senator Burns, Senator Grams, my name is Clarence Siroky. I'm a licensed graduate veterinarian employed by the State of Montana Board of Livestock as our administrator of animal health laws. I currently reside in Helena, Montana, and I thank the committee for hearing my testimony.

I'm here as a State veterinarian of Montana representing the animal health industry in the Department of Livestock, as President of the Western States Livestock Health Association which represents State veterinarians from 19 western States, and as a member of the Montana Veterinarian Medical Association which represents the practicing veterinarians of Montana. We are in support of legislation that will require the National Park Service to control and eliminate brucellosis from Yellowstone National Park.

*Brucella abortus* is a bacteria which is responsible for causing undulant fever in human beings and also can cause abortions and stillbirths in cattle. Duration of human illness and convalescence marks brucellosis as an economic as well as a medical problem for the patient because of the loss of time from normal activities. The human disease is contracted from exposure to fetal membranes of infected bison, cattle, drinking unpasteurized milk and exposure to drainage from fistulous withers in horses. The disease is transmitted from the infected host to humans by ingestion, through cuts, abrasions in the skin, direct contact of mucous membranes such as the eye. As a result of the elimination of this disease from cattle populations, pasteurization of milk, and urbanization of America, there has been a corresponding decrease in the incidence in the human population.

\*The additional material has been retained in subcommittee files.

Because of the relative rarity of this disease, physicians have become less familiar with its symptoms and the diagnosis is commonly missed. However, various occupations such as slaughterhouse workers, veterinarians, cattle and bison owners have shown to have the greatest risk of contracting this disease. In this State there have been at least 2 hunters identified with the disease, with the diagnosis in the last case taking 3 years, taking place 3 years after exposure. A number of practicing large-animal veterinarians within Montana have had the disease as a result of working with the infected herds during the years when brucellosis was within the cattle herds.

Brucella are facultative intracellular pathogens with the ability to survive and even multiply within the faculty coats from the cells. This means those bacteria that are there—I mean the cells that are there that fight off the bacteria can become hosts of that cell and they can get inside the cell; and as a result of that, they are less responsive to antibiotics.

The symptoms resemble ones of influenza: fever of 102 to 105 degrees in evenings and going down by morning; pain in the back, neck, arms, legs; extreme tiredness. If the treatment with antibiotics fails to prompt the temperature curve, it may be that the temperature curve may be of an undulant character, so by the name, with waves of duration of 2 to 3 weeks. There are complications with the disease associated with skeletal and neurological, hepatic, cardiovascular, and on and on, with pathological changes that go along with it. Long-term antibiotic therapy may be effective, but there are some individuals that never recover from the disease.

The disease in cattle is limited to the reproductive tract and causes abortions and stillbirth. Characteristically, an animal will abort and have normal calvings thereafter. The animal will continue to shed the organisms by reproductive fluids and subsequent calving. Initially there is a storm of abortions, but subsequent abortions within that herd later on become minimal. This constant exposure develops an immunological competence that prevents many of the abortions seen in an acutely affected herd. The economic consequences of a chronically infected herd, therefore, is much less than one that is just recently infected. Today the economic disaster presented by this disease is not because of pathological process of the disease, but because of the regulatory nature of it.

We will go back to the regulatory nature. Because this disease is where it is today with less than a hundred herds involved, there is a greater spotlight on Yellowstone Park and other States around it because of the disease. Nearly all the State animal health officials believe that relaxing these standards to Yellowstone Park would be as unacceptable as relaxing them from the rest of the remaining herds. The mere presence of the disease in the State dictates responses by other States who need to protect their livestock industry and public health from the disease transmission and maintain total program credibility. Therefore, the Federal designation of brucellosis-free is valid only if there is no exposed or infected bison or cattle within the State's boundaries; and because of the presence in Yellowstone Park bison, as was said earlier, six States have imposed testing on Montana. How many other States

will follow is difficult to predict, but it's fair to assume if we continue to have infected and exposed bison in Montana, many other States will impose similar restrictions.

There is no scientific evidence that substantiates the hypothesis that bison cannot transmit the disease to cattle. The disease passes as readily from bison to bison as it does from bison to elk when they occupy, those species occupy the same feed grounds. To the contrary, circumstantial evidence and retrospective studies have shown at least seven different occasions, spoken to by Dr. Gilsdorf, in Wyoming. Given the opportunity, controlled scientific studies have shown this disease to be as transmissible from bison to cattle as it is from cattle to cattle. It only takes one bison to infect one cow, which, in turn, can infect hundreds of others. The disease in the infected cattle herds may remain undiagnosed for a considerable length of time, thus allowing for many herd contacts to be made. Statistical evidence indicates that this one cow can infect 28 herds and involve two States before a diagnosis is made. A single blood test is not reliable. Incubation is 30 to 45 days, and can be up to 6 to 8 months.

Vaccination has been an integral part of the eradication program in cattle. Cattle are routinely vaccinated from 1 year of age and cows have been vaccinated when the disease was diagnosed with the herds; but vaccination, while effective, does not protect a hundred percent of the population. Its protective immunity ranges from 60 to 90 percent, depending on a challenge dose of the infected organism. A complicating factor related to the present vaccine is that it prevents a titer, a picture in the blood that is not distinguishable from the field strain bacteria.

A new vaccine, RB-51, holds serious promise in that it appears to be more effective and does not present titer similar to the field strain and could be used in the face of infection to prevent further spread of the disease to uninfected animals. It does, however, have no effect on infected animals.

Over 50 percent of the bison within the Park are seropositive to the disease. The abortion rate exhibited by this population closely resembles the abortion rate of a chronically infected cattle herd. The culture positive rate of 13 percent found with surveillance testing as was done in 1992 is merely identical to the culture rate found with similarly infected cattle herds under similar conditions. It's really difficult to detect the organism through culture alone. Once a disease has been confirmed within a herd, it becomes academic to continue to culture a seropositive herd. We already know the disease is there.

Montana has relied on a time and spacial relationship between our cattle in Yellowstone Park. This policy is primarily the reason brucellosis has not been transmitted in recent years to cattle surrounding Yellowstone Park. Historically, epidemiological evidence does suggest, however, that at least one herd in the 1950's contracted brucellosis from a bison in the Gardiner area during a particularly bad winter. Presently the sheer numbers of bison immigrating at all times of the year make it very difficult to rely upon this relationship. Therefore, it is not a question of if cattle can become infected, but when cattle can become infected.



Bison within Yellowstone Park can be tested and vaccinated and yet preserve the genetic integrity of the herd. Cattle from larger herds in places more difficult to gather than Yellowstone Park have had brucellosis eliminated from them through herd plans designed by herd owners and animal health officials willing to sit together.

Finally, I have some basic questions. Why can other parks eradicate brucellosis and Yellowstone Park cannot? Why do other parks and private individuals have the ability to gather and test bison and the Park does not have that ability? Why is it that under natural regulation wolves can be captured, recaptured, caged, recaged, vaccinated and revaccinated, but bison cannot? Why can money be found to introduce the wolves and grizzly bears, but there's no money for responsible management and disease control of bison? Why must Montana adhere to the national brucellosis eradication program and Yellowstone Park does not? Why are most veterinarians throughout the United States concerned with the Yellowstone bison and brucellosis and its possible spread and Yellowstone National Park believes this is just an incidental finding? Finally, why is Yellowstone Park concerned with events happening outside the Park that may impact them but is oblivious to the impacts their inactions concerning disease have upon their neighbors? It's time for a rational, pragmatic approach. Thank you.

[The prepared statement of Dr. Siroky follows:]

#### PREPARED STATEMENT OF DR. CLARENCE SIROKY, MONTANA BOARD OF LIVESTOCK

Chairman Nighthorse Campbell, members of the subcommittee, Senator Grams: Good morning. My name is Clarence Siroky and I am a licensed graduate veterinarian employed by the State of Montana Board of Livestock as their Administrator of Animal Health laws. I currently reside in Helena, Montana and I thank the committee for hearing my testimony. I am here as State Veterinarian of Montana representing the animal health interests of the Department of Livestock of Montana, as President of the Western States Livestock Health Association which represents the state veterinarians of 19 western states, and as a member of the Montana Veterinary Medical Association which represents all the practicing veterinarians of Montana. We are in support of legislation that will require the National Park Service to control and eliminate brucellosis from Yellowstone National Park.

*Brucella abortus* is a bacteria responsible for undulant fever in human beings and can also cause abortions and stillbirths in cattle. The duration of the human illness and convalescence marks brucellosis as an economic as well as a medical problem for the patient because of the loss of time from normal activities. The human disease is contracted from exposure to fetal membranes of infected bison and cattle, drinking unpasteurized milk, and exposure to the drainage from fistulous withers in horses. The disease is transmitted from an infected host to humans by ingestion, through cuts or abrasions of the skin, or by direct contact with mucus membranes such as the eye. As a result of elimination of the disease from cattle populations, pasteurization of milk, and the urbanization of America, there has been a corresponding decrease in the incidence in the human population. Because of the relative rarity of this disease, physicians have become less familiar with its symptoms and the diagnosis is commonly missed. However, various occupation groups such as slaughter house workers, veterinarians, and cattle and bison owners have shown to have the greatest risk of contracting this disease. In this state there has been at least 2 hunters identified with the disease with the diagnosis in the last case taking three plus years after exposure. A number of practicing large animal veterinarians within Montana have had the disease as a result of working within infected herds during the years when brucellosis was within the cattle population.

*Brucella* are facultative intracellular pathogens with the ability to survive, and even multiply within phagocytic cells of the host. The localization of the *Brucella* inside cells of the reticuloendothelial system poses special problems since the concentration of antibiotics in this location may not be optimal. In many patients the symptoms of brucellosis are mild and therefore diagnosis may not even be considered. A simple uncomplicated case initially resembles one of influenza. There is a

fever of 102 to 105 degrees in the evenings, remitting in the morning, accompanying pain in the back, arms and legs, and a feeling of extreme tiredness. If treatment with antibiotics fails to be prompt the temperature curve may be of undulant character with waves of duration of two to three weeks. A variety of complications can occur with this disease such as skeletal, neurological, hepatic, cardiovascular, genitourinary, pulmonary and ocular pathologic changes. Long term antibiotic therapy may be necessary with some individuals never fully recovering.

The disease in cattle and bison is limited to the reproductive tract and causes abortions and still birth. Characteristically, an animal will abort and will have normal calvings thereafter. The animal can continue to shed the organism via the reproductive fluids in subsequent calvings. Once the initial storm of abortions takes place within a herd, subsequent abortions within the herd may be minimal. This constant exposure develops an immunological competence that prevents many of the abortions seen in an acutely infected herd. The economic consequences of a chronically infected herd is therefore much less than one that was just recently infected. Today, the economic disaster presented by the disease is not because of the pathological process of the disease but because of the regulatory nature of it.

Because of the serious public health implications of this disease, a national eradication effort was initiated in 1934 with rules or standards which state Animal Health Officials and livestock owners were to follow. These rules implemented universally accepted eradication programs for states; including standards for quarantine, eradication, movement criteria, and testing protocols which have been primarily responsible for the eradication level achieved in the United States today.

There are approximately 100 cattle herds infected with brucellosis today, down dramatically in the last 10 years. Nearly all state animal health officials believe that relaxing these standards for Yellowstone Park would be as unacceptable as relaxing them for the remaining states with infected herds. The mere presence of the disease in a state dictates responses by other states who need to protect their livestock industry and public health from disease transmission and maintain total program credibility. Therefore, the federal designation of brucellosis free is valid only if there are no exposed or infected bison or cattle within a state's boundaries. Because of the presence of Yellowstone Park bison, testing for brucellosis in Montana of exported test-eligible cattle has been requested by the states of Washington, North Dakota, South Dakota, and to a limited extent by Nebraska, Texas and Oklahoma. Twenty-eight thousand cattle are exported to these states yearly representing an increased cost to the livestock producer of over a quarter of a million dollars. How many other states will follow suit is difficult to predict, but it is fair to assume if we continue to have infected and exposed Yellowstone National Park bison within Montana, many other states will impose similar requirements.

There is no scientific evidence that substantiates the hypothesis that wild bison cannot transmit the disease. The disease passes readily from bison to bison and to elk if they occupy the same feed ground as evidenced by serological titers. To the contrary, circumstantial evidence and retrospective studies have shown there have been at least seven different occasions in which bison or elk have been implicated in outbreaks of brucellosis in Wyoming since 1975, with the last one being the Parker Ranch. Parker Ranch sued the federal government and the findings of fact in the Parker case stated that the National Park Service and the U.S. Fish and Wildlife Service were negligent in their handling of brucellosis infected wildlife. Given the opportunity, controlled scientific studies have shown this disease is as transmissible from bison to cattle as it is from cattle to cattle. It only takes one bison to infect one cow, which in turn can infect hundreds of others.

The disease in the infected cattle herd may remain undiagnosed for a considerable length of time, thus allowing for many herd contacts to be made. Statistical evidence indicates that this one cow can infect 28 herds and involve 2 states before the diagnosis is made. A single blood test is not reliable when known exposure has taken place because an animal remains seronegative until the infection becomes active. This seronegative incubation period is 30 to 45 days, but commonly exceeds six to eight months, or at least until the next pregnancy takes place. A "heifer syndrome" can occur approximately 1% of the time when a heifer calf is exposed at birth or through nursing. The brucellosis organism will remain dormant within the heifer and she will not become infected until after her first or second pregnancy, when she will subsequently shed the organism. A "bull syndrome" is also thought to occur. The dormancy also occurs with disease becoming apparent after sexual maturity. Bulls are less likely to transmit the disease, but it is possible for them to do so. Once the disease has been eradicated from a herd, the heifer syndrome plays an important role in reintroduction with reproductive fluids and tissues maintaining the infection within the herd. The bull syndrome is usually not seen in domestic cattle



because all males are routinely castrated, which is not the case with wild bison herds where bulls are allowed to remain part of the herd.

Vaccination has been an integral part of the eradication program in cattle. Calves are routinely vaccinated prior to one year of age and cows have been vaccinated when the disease was diagnosed within the herd. The vaccination, while effective, does not protect 100% of the population. Its protective immunity ranges from 60% to 90% depending on the challenge dose of infective organism. A complicating factor related to the present vaccine is that it presents a titer that is undistinguishable from field strain bacteria. This factor makes it difficult at times to distinguish between an infected individual and one that has been vaccinated. A new vaccine, RB51, holds serious promise in that it appears to be more effective and does not present a titer similar to the field strain. It can be used in the face of infection to prevent further spread of the disease to uninfected animals. It will not have any effect upon infected animals.

The Park (quoting a Park behaviorist and microbiologist) has said the primary mode of brucellosis transmission among the bison within Yellowstone Park is through the milk. This "theory" is without benefit of any live animal studies. If this theory were correct, then more calves would be culture positive and seropositive than cows or bulls. In truth, there are more bulls infected than cows, more cows infected than juveniles, and more juveniles infected than calves. While milk transmission can play a minor role, reproductive fluids and tissues—through oral contact by adult bulls and cows—has been proven to be the primary route of transmission in bison, elk, and cattle. This theory has been proposed to give credibility to the "lack of infectivity of bison" because it is unlikely that a domestic cow or calf would suckle a bison cow, thus bison would then be allowed to roam unrestricted throughout Montana as, under the "milk theory", there would not be a threat posed by the infected or exposed bison.

Over 50 percent of the bison within the park are seropositive to the disease. The abortion rate exhibited by this population closely resembles the abortion rate of a chronically infected cattle herd. A culture positive rate of 13% found with surveillance testing, as was done in 1992, is nearly identical to the rate of culture positives found in a similarly infected cattle herd when sampled under the similar conditions. It is difficult to recover the organism in known infected animals and likewise it is a difficult organism to grow under laboratory conditions. Sampling protocol followed for research purposes involves much more extensive sampling and is beyond the capability of the resources Montana has to offer. Once the disease has been confirmed within a herd, it becomes academic to continue to culture seropositive animals.

Montana has purposely relied on a time and spacial separation between our cattle and the Yellowstone Park bison. This policy is primarily the reason brucellosis has not been transmitted in recent years to the cattle surrounding Yellowstone Park. Historical epidemiological evidence does suggest however, that at least one herd in the 1950's contracted brucellosis from bison during a particularly bad winter. Presently, the sheer numbers of bison emigrating at all times of the year make it very difficult to rely only upon this relationship. Therefore, is it not a question of "if" cattle can be infected but "when." The Montana Livestock Industry has accepted their responsibility and eradicated this disease from its cattle herds. It is irresponsible for the Department of the Interior to believe they are exempt from a federal mandate to eradicate brucellosis. The danger posed by this herd places public health and the livestock industry again in jeopardy. Two hundred plus bison were out of the Park in the West Yellowstone area most of the winter. With approximately five feet of snow in the winter time in the West Yellowstone area, an ideal frozen and moist environment is provided for preservation of the organism when an abortion takes place. This organism will remain as viable as the day it left its host when the spring thaw occurs. It also has proven to remain viable for a period of up to 100 days after thawing, if conditions of dampness and shade are correct.

Yellowstone National Park initiated an experiment in 1967 using "natural regulation" for control of bison and elk populations with full knowledge of the existence and extent of a serious public health disease. There was no foresight to determine a remedy if the experiment did not succeed. This failed experiment has imposed negative consequences upon its neighbors. Why can the Department of the Interior and the National Park Service design an experiment of this nature and not be held accountable? Animal ownership implies responsibility and a natural regulation policy is nothing more than a "hands off" policy. No other Park that contains bison has such a policy. Every other Park in the United States that has had bison has had to deal with brucellosis. Every other Park has eradicated brucellosis. No difficult decisions ever have to be made using a hands off policy. It is simplistic to believe that allowing bison to be relocated to Indian Reservations with a single brucellosis test; hunting bison that leave the Park; or the elimination of snowmobiles and their



groomed trails; will solve the overpopulation and disease problems in Yellowstone National Park. It is highly unlikely any other State animal industry or animal health official will accept the brucellosis exposed Yellowstone bison for translocation.

Bison within Yellowstone Park can be gathered, tested, vaccinated and yet preserve the genetic integrity of the herd. Cattle from larger herds, in places more difficult to gather than Yellowstone Park, have had brucellosis eliminated from them through herd plans designed by herd owners and animal health officials willing to sit together.

Finally, I have some basic questions. Why can other Parks eradicate brucellosis and Yellowstone National Park cannot? Why do other Parks and private individuals have the ability to gather, test, and vaccinate bison? Why is it that "Natural Regulation" allows wolves to be captured, recaptured, caged and re-caged, vaccinated and revaccinated, but bison cannot? Why can the money be found to introduce wolves and grizzly bears, but there is no money for responsible management and disease control of bison? Why must Montana adhere to a National Brucellosis Eradication Program and Yellowstone Park does not? Why are most veterinarians throughout the United States concerned with Yellowstone bison brucellosis and its possible spread and Yellowstone National Park personnel believe this is just an incidental finding? Why is Yellowstone Park concerned with events happening outside the Park that may impact them, but is oblivious to the impact their inactions concerning disease have upon neighbors?

It is time for a rational, pragmatic approach.

Thank you.

Senator GRAMS. Thank you very much, Doctor. I think you have done a great job in outlining some of the problems. I just want to mention one problem with our lights. We find out that the committee has sent out the only staff member who is actually color blind, so there might have been some confusion between the red and the green. We finally figured out, or he did, that the green is on the right. So we have that problem solved.

Senator BURNS. You have been driving. I have been riding with him.

Senator GRAMS. I hope that has not caused confusion, sir. Dr. Siroky, I would like to ask a couple questions and then Senator Burns can follow up as we move back just to keep the mikes from being passed back and forth. I think you did an excellent job in outlining some of the problems. I think there is no question in your mind that the herd is what you would call seriously infected because you were giving statistical numbers of the abortion rate among the herd compared to a severely infected cattle herd would be the same.

Dr. SIROKY. That's correct. A 50-percent rate we would classify as a severely infected cattle herd.

Senator GRAMS. What more can the State of Montana do without any guarantees from Park management in eradicating this problem?

Dr. SIROKY. Montana's hands are tied. We cannot go into the Park. We cannot tell the Park what they can or cannot do within the Park. This is part of our dilemma. We have to handle animals once they come out of the Park from a disease standpoint.

Senator GRAMS. So you feel the State of Montana and Montana cattlemen have done what they can do and now they are faced with, as Mr. Graham mentioned, and we will talk to him about it, an unfunded mandate.

Dr. SIROKY. Correct. We're at the mercy of what goes on or comes out of the Park.

Senator GRAMS. You mentioned also that other herds have been eradicated of the disease. They are now brucellosis-free; and you say if it has been done in one herd, why can it not be done in the other. Can you give us some examples of where the problem has been taken care of?

Dr. SIROKY. Wind River Cave's bison herd, the disease was there and eliminated. The National Bison Range at Moise, the disease was there and eliminated. I think if there's a will, there is a way.

Senator GRAMS. Do you feel that other States are going to or could likely pose sanctions in the near future if something is not done?

Dr. SIROKY. I sincerely believe that. The disease as it winds down in other States, as they become less concerned with the disease in their own State, are going to be more concerned with it being re-introduced after spending a lot of money. They are going to look to see where the reservoir may be.

Senator GRAMS. In your opinion, briefly, what would it take to eradicate this problem in the Yellowstone herd?

Dr. SIROKY. It would take, first of all, sitting down together and admitting that there is a problem within the Park, that brucellosis is a problem and that it does affect other people, a concerted testing and vaccination program, sitting down with the cooperators, that is, the Park and the Park individuals, and be willing to develop a herd plan that's peculiar to the Park and go to work.

Senator GRAMS. We will talk to the other panel members about the cost to cattlemen, but how much do you feel this would cost between State and Federal Governments to go in and really take care of the problem and eradicate it?

Dr. SIROKY. I think Dr. Gilsdorf had some figures put together a little bit on that as far as what the cost would be, and I would defer that question to him.

Senator GRAMS. Dr. Gilsdorf?

Dr. GILSDORF. The cost to eradicate?

Senator GRAMS. We know there has got to be a cost associated with this, but I would just like to get this information and then pass it to the other panel members and we want to weigh this in conjunction with the cost of taking care of the problem and the cost of not handling the problem.

Dr. GILSDORF. I do not have those figures with me. I know just the cost of a quarantine facility would cost between one-half million and 2 million based on the size of the facility and the way it was designed; but I do not have those other figures with me, but I can provide them to you.

Senator GRAMS. If you would for the committee. Thank you, Doctor.

Senator BURNS. I have a couple questions; and, Pat, thank you very much for your suggestions. I think you made six of them in your testimony, and we will take those under advisement and be willing to work with you because nothing is written in stone on this. I want to make it very clear that there is nothing written in stone and that we want to do this in a way that will get the job done.

Pat, with that, bring me up to date and tell me a little bit about what works and what does not work. I think it was brought up by

Dr. Siroky, how you would discuss the management situation between the State and the Moise bison station over in western Montana, because it was a problem over there at one time and now they have cleaned that up. Did you want to comment on that, on how this was done, and any comments you might have on that?

Mr. GRAHAM. I could not speak specifically to Moise. I could speak generally to the plans that we are trying to develop right now and some of the things that are kind of inhibiting those from moving forward.

Senator BURNS. That would be fine.

Mr. GRAHAM. Basically what we need is a more effective way of controlling the animals as they come out, a more cost-effective and efficient way and more humane way of doing that than we are currently doing that, recognizing the fact that they do come out under their own choosing in their own numbers, and some of those numbers can be quite large. We've tried hazing and things like that, but all that does is like putting your finger in the dam. The water level just keeps rising behind it, as does the number of bison. So it just really holds off on the problem.

In essence, in the short term what we need is some ability to capture and control the population along the borders of the Park. We have talked about in the Eagle Creek area providing a little more flexibility because of congressional mandate that that be managed for wildlife and that it does have no cattle in that immediate area as long as they confine themselves. On the other side of the river near Gardiner, down on the flats down there, where they come right onto private property, we need, we believe, some traffic facilities in there that can immediately collect and handle large numbers of animals.

The west Yellowstone area is a little more complicated because that boundary is a little bit more dispersed and bison do not follow one specific corridor. Again, we need some ability to capture and handle animals in that area, and trapping facilities appear to be the preferred option at this point. While that would allow us the short-term ability to help control the population and the out-migration of bison, that certainly does not speak to the plan for going in and trying to eradicate that. I guess that's something that's being worked on through this interagency, tri-State brucellosis task force, and I'm probably not the appropriate one to speak to that.

We feel that some additional resources are necessary to put those trapping facilities and, in time, a quarantine facility would allow for the movement of those Bison to other locations once they tested disease-free. We can invest in a quarantine facility, as well.

Senator BURNS. Well, in your testimony you give recognition and support to the Greater Yellowstone Interagency Brucellosis Committee as an appropriate forum for development of long-term strategy for the eventual elimination of brucellosis from wildlife in the Greater Yellowstone. You are saying that that's a misstatement?

Mr. GRAHAM. No, I think that's right for the long-term strategy. I was speaking to the short-term. We've got an immediate problem while this delay in finding eventual eradication of brucellosis in the Park, which I believe all the parties have agreed to that goal. We still have the compliance problem within Montana for the livestock industry as well as the population control issue to deal with at the



border, and we need some help in getting that problem addressed now.

Senator BURNS. Okay. Commissioner Peck, or Director Peck, I guess it is, we have got a new thing called NAPTHA, and for the first time we think we have got maybe a little bit of border freedom moving livestock back and forth between Montana and Canada, and, you know, we have not had that for a while. Canada has always come up with some kind of situation that would prevent cattle moving north, but we have had a little problem of them moving south, it seems like. What kind of implications does this have if this problem is not taken care of?

Mr. PECK. A very great question, Senator, and thank you for asking it because the Department of Agriculture has been acting cooperatively with the Montana Stockgrowers Association and producers to try and increase our markets for what we call seed stock, primary seed-stock markets, which Montana's known internationally for the quality of animals that we produce in the State, and seed stock is those breeding livestock that will go and increase and enhance somebody's herd. This last year going the other way, down to Mexico, we were successful in the last 2 years, actually, of moving some bulls into that market, of having established some good relationships working with the Stockgrowers Association, some producers, looking at that border even though it's further away.

Also, the Department of Livestock and the Stockgrowers have worked very hard to start opening the Canadian border and being sure that we have the same requirements to move livestock that way as they have our way to be sure we have access to these markets. Then as other States now have started to look at requiring brucellosis testing to move our livestock into those, we have a \$10 minimum fee just to provide the test and that does not account for the cost to the producer as he goes out and collects the animals, runs them through, the stress on the animals and all those kinds of things. Then it does not account for the folks that turn around and just say, well, it's a little for difficult to walk through that process in Montana. We'll walk to a neighbor and look at purchasing cattle there that does not have to go through that.

So all of those things start multiplying as somebody tries to produce a good, economic, viable livestock operation in Montana.

Senator BURNS. I have one question for Dr. Siroky, and then I think that just about rounds me out; although if we come up with some questions later, I guess you will let us ask some questions. We are leaving the record open.

Dr. Siroky, I think the key word in your testimony on the transmission of the disease is feed ground and in the transmission. In other words, we have an idea on what brought the disease to the bison herd in Yellowstone Park. Would you want to expand on that, on how they differ a little bit in our control whenever they come out? What happens whenever they are allowed to roam on private property where domestic livestock is fed?

Dr. SIROKY. Maybe I should say a little bit to clear up why the disease perpetuates itself at such a high rate with bison, because they form their own feed route. They are a very close-knit group and they drop that bacteria within that group and transfer it back and forth very, very easily. If elk happen to be feeding in the same

area, they'll transfer that into the elk herd, too; and that same process can happen when they get out of the Park and they lose this bacteria in the placental fluids, and that kind of stuff, in a snow bank, particularly in the West Yellowstone area which presents its own unique problem, and that snow bank is just like a refrigerator. It can stay in that snow bank under frozen conditions indefinitely; and then once thaw occurs, if it happens to be shady where this is at, that can survive as long as 30 to a hundred days.

So this is where our concern is with bison out of the Park. It is kind of a lottery, and I guess as the number of bison come out and the more bison you have in that area, the chances of winning that lottery increase.

Senator BURNS. Thank you very much. I appreciate your time.

Senator GRAMS. I have a couple of questions. Mr. Graham, during your testimony you said there was an inability to cooperate. Are you talking about the management of the Park or the Park management, inability to management? You called it an unfunded mandate. You said Montana does not have management control, but suffers the consequences.

Mr. GRAHAM. In essence, you have the two different missions coming in conflict here to naturally regulate the bison population to follow the mission of the Park Service and then at the same time to follow the compliance with the national brucellosis program that come in conflict at the border of Yellowstone National Park. As that debate continues on, the people that end up dealing with that are Montanans, and we are the ones who suffer the consequences and have to manage the problem as the debate between the two Federal agencies continues to wage on.

So in that sense, I guess we call it a peculiar unfunded mandate. It is not one that Congress specifically specified unknowingly; but by the conflict between the two agencies, we end up footing the responsibility and the implications of that.

Senator GRAMS. In your opinion, why are you not close to completing the bison management plan? How long have you been working on that?

Mr. GRAHAM. Well, I think the debate's probably been going on for 30 years. The problem on this has become amplified as a result of increased population, which we've really started to see in the last 5 or 6 years. It's with that out-migration and that increasing numbers that the problem becomes more difficult. It's put the additional pressure on us. The surrounding States have become increasingly concerned as this goes on and on and on and promises are unmet and unfulfilled. So there's sort of a skepticism whether or not this problem can and will be managed.

I guess the difficulty is we can talk about the science and the other things on and on in developing a long-term plan for this; but in the short term, the problem does not go away. The problem does not wait for all these studies and questions and answers to be answered. That's the difficulty we have, is there's only one party, really, that suffers as a result of this thing being delayed, and it's the State in that regard. The two Federal agencies do not specifically suffer any consequences as a result of this not moving forward, so the delays are not felt on their backs as much as they are felt on the State's, and that's where the frustration comes. That's

where the lawsuit got filed. It's not any one person's responsibility. It's sort of a collective combination of missions here, and we are a little uncertain, frankly, and that's why legislation may be a way to move this thing forward if we are not able and seem unable at this point to resolve it.

You asked the question earlier about the settlement agreement. We did get a settlement offer—or the lawsuit. We did have a settlement offer earlier this week and we found it unacceptable at this point. There are continuing negotiations to go on in that regard, and maybe it will become acceptable. I can not answer that question until those negotiations are complete; but at this point, the lawsuit is still in effect.

Senator GRAMS. I think the litigation just shows the frustration, and you only go to those steps when you feel that you have not had any other access. I would say one thing Washington is good at, and that is talking. I think you have given us the feeling that we have been talking this issue to death. Would you agree with that?

Mr. GRAHAM. I would.

Senator GRAMS. Put answers in his mouth?

Senator BURNS. Nothing like leading the witness, you know.

Senator GRAMS. One final question for Mr. Peck, and I just want to get a couple of things dealing with economics to go along with the cost of the project. You said this is a \$760 million annual economic impact for the State of Montana, or that is what cattle adds to the economy here in the State.

Mr. PECK. That's based on our most recent information we have from agriculture statistics, yes.

Senator GRAMS. And you said it is going to cost the State if it is not checked. What do you feel some of the economic impact is going to be to Montana and Montana cattle in the near future if this is not handled? I know there is a cost associated with getting the problem under control, but there is a huge cost if the problem is not gotten under control.

Mr. PECK. Absolutely, and that's the marketing costs, just the control costs; and the operational costs of the producers are large and, of course, with prices coming down and we've seen reduction and some stress, a lot of stress to some producers because prices have fallen for livestock and we have a large supply and we are trying to be sure to develop markets to do that. That's the secret of the market development activity. Everything we have done and the Montana producers have done to enhance and build their markets now is being threatened by the perception, if nothing else, the perception of the fact that there could be some risk of brucellosis. That perception, then, is interpreted in the market place and the market that we have to deal in and deal with, and has to continually be overcome in order to maintain existing markets, let alone develop new ones. And, of course, it's a competitive world out there and that's ideal. It should be. But we compete not just with other neighbors in production but with the surrounding States that can turn around and say that brucellosis in Wyoming is threatening Montana production. Maybe you should look at us stronger; and that's something that is going to impact our marketing ability to compete and move our animals and increase the quality of our breeding births.



Senator GRAMS. I would like to ask one other question for the record here, and we would like your answer for the record. What specifically happens when another State levels sanctions against Montana cattle and how is that done, just briefly for the record for us?

Mr. PECK. Senator, maybe I could defer that to Dr. Siroky. He's a veterinarian and he's the one that has those specific answers.

Senator GRAMS. What specifically happens, Dr. Siroky, when a State issues those sanctions against Montana?

Dr. SIROKY. In the State of Montana what will happen is those sanctions are imposed upon breeding cattle, cattle capable of transmitting the disease, so that the cattle that are aged cattle, over 2 years of age, that are vaccinated, have to be tested prior to being moved. Young cattle that are less than 2 years old that are vaccinated, heifers, I'm talking about now, or female cattle, that are vaccinated do not have to be blood-tested but are going to be required to be vaccinated for the most part. Other States are requiring they be vaccinated to be moved to those States. And then anything over 12 months of age, male over 12 months of age needs to be blood-tested.

The six States that impose sanctions represented about 280,000 head of cattle in that category being exported in this last, in this current year, which represents up to \$10-per-head value, over a quarter-of-a-million dollars in additional costs incurred by those producers.

Senator GRAMS. Briefly, I know we have got support from the Governor of Wyoming, Mr. Geringer. Does Wyoming or Idaho face the same type of problems?

Dr. SIROKY. Yes, they do.

Senator GRAMS. I have no other questions.

Senator BURNS. I have no other questions, and thank you very much for letting us ruin your Saturday.

Mr. Chairman, I would ask at this time that we have a letter of endorsement from the Texas Animal Health Commission entered into the record and also the State of Utah Department of Agriculture in support. Also from the Southern Animal Health Association in Savannah, Georgia, because livestock move in a large circle of Georgia Department of Agriculture and the U.S. Animal Health Association, and all those letters are in support of this legislation or some form of legislation which forces the eradication of this disease.\*

Senator GRAMS. So noted and they will be entered into the record. We would like to call our next panel, Mr. George Hammond, executive director of the Montana State Stockgrowers Association, Ms. Jeanne-Marie Souvigney, and I hope I am going to pronounce this right.

Ms. SOUVIGNEY. Souvigney.

Senator GRAMS. Souvigney, associate program director of Greater Yellowstone Coalition, and Mr. Edward Francis, the Royal Teton Ranch, Corwin Springs, Montana, and Ms. Marcelle Quist with the Fund for Animals. I know we are running a little bit behind and we are going to try to keep our questions to a minimum or a little

\*The letter can be found in the appendix.

bit more pointed, and I hope you can keep your testimony, again, to the 5-minute limit so that we can make sure that we hear from everybody that would like to have a comment at the hearing here this morning. Mr. Hammond, we will start with you; and, again, if we can keep our comments to a 5-minute period.

#### **STATEMENT OF GEORGE HAMMOND, PRESIDENT, MONTANA STOCKGROWERS ASSOCIATION**

Mr. HAMMOND. Senator Grams, Senator Burns, I thank you for this opportunity to be here in support of S. 745. My name is George Hammond. I'm president of the Montana Stockgrowers. I'm also a rancher from eastern Montana and I'm here, I think, representing the industry of the State of Montana. We have approximately 45,000 members. I think they are speaking rather loudly. I am also speaking on behalf of the 11 presidents of the Western States. I also have written testimony to be introduced coming from the National Cattlemen's Association and from the Wyoming Stockgrowers.

The Montana cattle industry in 1994 had approximately \$737 million of gross income. There were approximately 2.7 million head of cattle in Montana, of which a 1,589,000 were beef cows. This represents the sixth largest beef-cow herd in the United States. In recent years, levels of profitability in the Montana ag economy, the State's largest industry, have been directly related to the performance of the livestock sector. Livestock makes up approximately 25 percent of the total income in the State of Montana. As you know, cattle prices have dropped more than 20 percent in the last 2 years.

Over a period of 30 years and at a cost in excess of \$30 million, and these are out-of-pocket dollars, Montana finally achieved its brucellosis-free status in 1985. Currently the three States of Montana, Wyoming and Idaho are spending approximately a million dollars a year on brucellosis control and monitoring.

Now, because the bison population in the Park has more than doubled what the forage can support, bison are coming out of the Park. Approximately 50 percent of the bison in Yellowstone Park are infected with brucellosis. Their mere presence outside Yellowstone Park in Montana is a threat to our brucellosis-free status. Currently six States have independently begun to require various degrees of testing of the Montana breeding cattle leaving the State. There are three States threatening sanctions of some sort. This threat puts Montana's largest single industry in economic jeopardy. As I said, Montana represents the sixth largest beef-cow herd in the Nation. We are one of the premier producers of seed stock; not just nationally, but we are recognized around the world.

Current testing requirements have already cost some of our producers sales to potential buyers in other States. Losing Montana's brucellosis-free status could cost our producers millions of dollars. This, in addition to an already depressed cattle market, makes the problem very, very serious.

We are encouraged, however, that Congress, through S. 745, may require the National Park Service to control brucellosis in the Yellowstone and Teton area. We are very concerned about the problem. We feel that decisive action must begin immediately to avert another major crisis this coming winter.

I do not think we have the luxury of time. Deep snow, and wolves have been introduced into the Park. Imagine, wolves getting into the herd. In the event that we have some wolves at the boundary, it would not take them long to be in Big Timber and it would not take them long to be in Livingston.

While Federal and State agencies and interested parties are working toward the goal of brucellosis eradication within the Park bison herd, there seems to be a real lack of commitment from the Park Service to take decisive action. That commitment must be made immediately and congressional action is the only sure way to get the job done. It will take a commitment of resources and a change of management policy. It is the only way to have a workable partnership between the National Park Service, APHIS, the border States and the livestock industry in the future.

The Park Service must accept responsibility for the Yellowstone Park bison herd within the Park boundaries. Continuing to wait until the bison wander outside the Park merely transfers the problem to someone else. Even worse is the notion of wanting to address the problem of bison management areas outside the Park. These solutions are unacceptable to the livestock industry. This is not right. It does not make sense and we all know there's plenty of space within the Park to address the problem. Obviously, it will take a change in management philosophy by the Park Service, but it will also ultimately result in eradicating brucellosis from the Park herd, bringing the bison population down to a manageable number and actually improving the Park resource and the health of I think our greatest national treasure.

Any memorandum of understanding for eradication of brucellosis from bison in Yellowstone Park should be under the lead of USDA-APHIS in consultation with the animal health officials of the three surrounding States, should be constructed to conform with the national brucellosis control regulations as administered by APHIS. The livestock industry has spent millions of dollars conforming to brucellosis regulations. Many States are continuing to work towards approving their brucellosis-free status. No State or national park should be exempt from these regulations. They were well thought out in the beginning. They have stood the test of time. They must be adhered to in the future by everyone involved.

Our proposed solution is for Congress to include the Grand Teton area and pass S. 745. The Park Service must be forced to accept responsibility for control of brucellosis and their bison herd, to build working facilities, portable or permanent, inside Yellowstone Park, begin an active vaccination test and slaughter program. It can be done. Other bison management areas have done it. The expertise and knowledge is there to begin immediately.

It should be obvious to everyone that the status quo is not acceptable. The Montana livestock industry, the State of Montana and every Federal agency involved must recognize the situation is out of control. It must be addressed.

I thank you very much for this opportunity. I appreciate being able to share some of our thoughts with you.

Senator GRAMS. Thank you very much, Mr. Hammond.

Ms. Jeanne-Marie Souvigny is here to testify, and I am going to remind you of the time.



**STATEMENT BY JEANNE-MARIE SOUVIGNEY, ASSOCIATE PROGRAM DIRECTOR, GREATER YELLOWSTONE COALITION, BOZEMAN, MT**

Ms. SOUVIGNEY. Thank you, Mr. Chairman, Senator Burns. My name is Jeanne-Marie Souvigney, and I am associate program director with the Greater Yellowstone Coalition in Bozeman. When thinking of Yellowstone National Park, perhaps one of the most vivid images is that of its wildlife. These wildlife populations draw millions of visitors each year to the Greater Yellowstone region, and our resource upon which our local economy is heavily dependent.

The ongoing debate over brucellosis-infected bison, however, has so altered the discussion of wildlife management that it jeopardizes the very notion of our national parks as a refuge for wildlife. I am hearing opposition to the proposal before you. It's fueled by frustration and sound science; and I think one of the things we can all agree on is that we're all frustrated at the processes that have occurred. It dismisses the concerns and interests of a vast majority of residents and American public and perhaps more importantly it attempt to inject Congress into the process of managing specific wildlife herds in a national park despite the deliberate processes that are occurring right now to manage Yellowstone herds and manage brucellosis.

At the outset, we want to make clear we share the frustration about the slowness of these processes. Some of that delay is the problems in the lack of sound science to help direct an acceptable solution, compounded by often acrimonious debate among agencies with very different management and policy mandates. The current situation is intolerable, but we are concerned that this bill is only going to make that situation worse. We respect ranchers' concerns about the economic impacts of testing requirements and the loss of the State's brucellosis-free status. We do not support this particular invasion into our first national park.

This plan, for example, does not address the Greater Yellowstone elk population nor does it address the bison and elk in Grand Teton National Park. There are about 60,000 elk which harbor the disease, as well. There are large gaps in knowledge about the etiology of the disease in wildlife, about transmission risks and the effectiveness of the bison vaccine.

We suggest it is not valid to compare what's proposed here to what has occurred in other parts. In this case, we're talking about a 2.2 million-acre wildland park, unfenced, with 3 to 4,000 wild animals. In the other cases we're talking ranges from a hundred to a thousand bison, or a little bit more, over 18,000 to 70,000 acres. There's a big difference there. There's also growing evidence that the increasing population of migrating bison is influenced by the winter use of the Park and the energy savings that the bison incur in their migration travels outside there.

There's a long history in Yellowstone of efforts to protect wildlife species and their habitat. What these and countless other efforts illustrate is the recognition that land within the boundaries of the parks do not necessarily contain the wildlife habitat to support those populations but are closely integrated with activities and processes outside the Park. What that means is that all of us, the

national parks, the States, the landowners, have to work together to find a solution to this problem. There are efforts currently under way to address those issues including the development of the Yellowstone/Grand Teton bison management plans and the Greater Yellowstone Interagency Brucellosis Committee. We ask you to support those efforts to ensure that they also have resources needed to finish those results.

I also want to talk about Yellowstone bison management plan. Four years ago, we were part of the citizens working group that developed an alternative for management of the Yellowstone bison. It included ranchers, landowners, conservationists and others trying to hammer out a solution to that problem. Ed Francis was part of the committee, as well. We came up with a proposal which was attached to my testimony which was submitted to the agencies. It's not what any one of us would have developed for a proposal, but we think it represents a good compromise on how the Yellowstone bison can be managed.

Briefly, it protects the Park as a wildlife preserve. It provides for limited Bison migration to the public lands outside the Park while protecting cattle herds from brucellosis. It protects the interests of the private landowners, controls bison numbers and allows tribes to accept live, surplus bison from the Park. There was the product, the various interests. We hope that you will review that proposal and support those efforts.

One of the other issues we want to raise is that of the brucellosis-free status and the States' threats of testing requirements. We do not understand why 47 other States should be able to require or demand what our three States are going to do to manage bison. If the APHIS has decided that they have endorsed the States' brucellosis-free status, the States' efforts of five other States to challenge that in our mind undermines the entire brucellosis eradication effort and should be reconsidered. Thank you.

[The prepared statement of Ms. Souvigney follows:]

PREPARED STATEMENT OF JEANNE-MARIE SOUVIGNEY, ASSOCIATE PROGRAM DIRECTOR, GREATER YELLOWSTONE COALITION, BOZEMAN, MT

Chairman Campbell and members of the subcommittee, thank you for inviting the Greater Yellowstone Coalition to testify today at this hearing on S. 745, a bill requiring the National Park Service to eradicate brucellosis through capture, testing, killing, vaccination and relocation of park bison. My name is Jeanne-Marie Souvigney; I am Associate Program Director with the Coalition, based in Bozeman, Montana, and with field offices in Wyoming and Idaho. I live in Livingston, a small town of about 8,000 residents 55 miles north of Yellowstone National Park at the gates of Paradise Valley, where my husband and I also own and operate a retail business.

The Coalition, which was formed in 1983 by citizens concerned about the rapid rate of development and fragmentation in the Greater Yellowstone ecosystem, includes as members about 110 local, regional and national organizations, and over 6,000 individual members committed to ensuring the long-term well-being of the natural and human resources of Greater Yellowstone. Our membership includes sportsmen, scientists, wildlife enthusiasts, resource professionals, ranchers, business people, hunters and fishermen, animal advocates, and many others; our position on this issue is an attempt to balance many diverging views to focus on common ground. We appreciate the opportunity to submit our views on this legislation.

INTRODUCTION

When thinking of Yellowstone National Park and its surrounding lands, two images appear in the public mind. One certainly is the image of geothermal activity.

The other is of the abundant and unfettered wildlife. Greater Yellowstone, a region of roughly 18 million acres with Yellowstone and Grand Teton at its core, is home to impressive numbers of wildlife, including the largest elk herds in North America, and is the only place where wild bison survived the near-extirmination of the late 1800's (Meagher, 1974). There is a total estimated ungulate population of about 100,000 animals in Greater Yellowstone, providing significant viewing, photographic, educational, hunting and scientific opportunities, as well as associated contributions to the regional economies.

The Yellowstone Park bison represent the last wild, essentially free-ranging herds in this country. They currently number between 3,000 and 3,500, down slightly from a peak of around 4,000 last year—the highest since the Great Plains herds which once numbered in the millions were reduced to a handful at the turn of the century. The area's wildlife populations, including its bison, are a resource which draws millions of visitors each year to this region and upon which our local economies are heavily dependent. However, the on-going debate over brucellosis-infected animals in Greater Yellowstone has so altered the discussion of wildlife management that it jeopardizes the very notion of our national parks as a refuge for wildlife. About 10–15% of Yellowstone National Park bison are infected with brucellosis, a disease which many livestock producers fear will be transmitted to bison although such transmission has never been documented under natural conditions.

I am here today in strong opposition to the proposal before you. This legislation is fueled by frustration rather than sound science. It represents an extreme proposal which dismisses the concerns and interests of a vast number of local residents and the American public. It attempts to treat Yellowstone Park as an island, with a very narrow focus on a single species. Perhaps more importantly, it attempts to inject Congress into the process of managing specific wildlife herds in a national park—and in this case, to do so despite coordinated, organized and deliberate processes to resolve the issue by representatives of the three surrounding states and federal agencies.

While we express our opposition to his proposal, we will suggest other opportunities to have a positive influence on this issue. We will offer suggestions throughout this testimony, but let me summarize them here:

- Endorsement of the Greater Yellowstone Interagency Brucellosis Committee as the appropriate forum for resolving the problem of brucellosis in wildlife, with commitment of resources;
- Endorsement and dedication of sufficient resources to complete the two bison management plans currently underway;
- Support for the Yellowstone bison management proposal as developed by the citizen's bison working group;
- Protection for the class free brucellosis status of the Greater Yellowstone states; and
- A prohibition against arbitrary testing requirements by other states.

At the outset, we want to make clear that we share the frustration over delays in adopting a cooperative plan to manage Yellowstone bison. As a representative of the Coalition, I have been anxiously awaiting an EIS decision since first becoming involved in the process several years ago. That process has been limping along far too long. Some of the delay in adopting a plan is related to the lack of sound science to help direct an acceptable solution, compounded by often acrimonious disagreements among federal and state agencies with very different management and policy mandates. Not only have the federal agencies often disagreed on solutions, but the state agencies have sometimes been at odds with each other as well.

#### INTERIM OPERATIONS

While the American public waits for this long-term management plan, the agencies have been operating under inadequate, poorly supported and increasingly controversial interim plans. The debate over management of Yellowstone bison intensified this winter when over 400 bison which migrated outside the park were killed by agency game wardens and livestock officials. Most were killed on private (Royal Teton Ranch) land north of the park, turning that area, literally, into a killing field. Over 100 bulls were killed because of alleged disease concerns, even though there is strong consensus that bulls do not likely present a transmission risk. The Native American tribes are used to dispose of the carcasses, when what the tribes really want is access to live surplus park bison. This controversy generated allegations of mismanagement by the Park and state of Montana and complaints of lack of cooperation between federal and state agencies involved in completing the long-term bison management plan.



Meanwhile, Montana Department of Livestock notice to the federal Animal and Plant Health Inspection Service (APHIS) and other states suggesting that the existing interim bison management agreement would result in infected and exposed bison within the state, thus threatening the Class Free status of the state, resulted in exactly that: the threat of loss of Montana's brucellosis-free status. Several states subsequently indicated they might require testing of all or some Montana cattle, alleging that Montana can no longer guarantee its cattle are brucellosis-free. They complain that the existence of Yellowstone bison in the state threatens Montana cattle even if no cattle are in the area of bison migration. The required and threatened testing is not limited to cattle surrounding the park, but to cattle elsewhere in Montana, even hundreds of miles away.

Earlier this year, Montana sued two federal agencies, the Department of the Interior's National Park Service and the Department of Agriculture's APHIS. The suit charges that the agencies have refused to agree on a management plan for the bison, putting the state in the position of having to kill all the bison that leave the park, or face potential loss of its brucellosis-free status.

#### S. 745

The current situation is intolerable. But S. 745 will only make that situation worse. We respect ranchers' concerns about the potential for brucellosis infection entering their herds, and, most importantly, the economic impact of testing requirements or the loss of a state's class free brucellosis status. However, this proposed invasion into our first national park is not the answer. It attempts to resolve the concerns of only the livestock industry without integrating broader and significant issues of national park and wildlife management. Yellowstone should remain a sanctuary for wildlife. The world's first national park should not become "Yellowstone National Stockyard."

Throughout these debates, APHIS and livestock industry spokesmen insist that brucellosis can and should be eliminated from Yellowstone wildlife. Yet there is disagreement among the agencies and biologists about whether the disease can be eliminated from bison without also eliminating it from the Greater Yellowstone elk population, which number 60,000 or more and also harbors the disease. There is also disagreement about whether the disease can be eradicated from Greater Yellowstone wildlife at all. Some officials have stated that a disease-free bison herd would very likely be reinfected by elk, suggesting strongly that a Greater Yellowstone wildlife brucellosis eradication program would have to include elk to be effective. Even if it is assumed that elk pose a lesser risk of transmission of the disease to cattle, there is still concern about potential reinfection of bison by elk.

There are large gaps in existing knowledge about the disease in wildlife, and transmission risks, and the effectiveness of the bison vaccine. To propose an eradication plan in the absence of such knowledge ensures nothing more than a waste of taxpayer money, the needless destruction of thousands of Yellowstone's wildlife and the associated loss of a major resource attraction for the region's citizens and visitors.

This proposed test and slaughter process threatens to significantly disrupt wildlife. We suggest it is not valid to compare bison control in other parks to what is being proposed here: in this case, we're talking about a 2.2 million acres wilderness park, and upwards of 3,000-4,000 bison. The other parks contain year-round herds ranging from 100 to about 1,000, in areas ranging from about 18,000 to about 70,000 acres. These parks are generally fenced or with physical characteristics which restrict bison movement.

Proposals that insist on restricting bison from migrating outside the park under any circumstances—even on public lands and where no cattle exist—jeopardize the very future of the park's free-ranging wildlife herds. Are elk next? We suggest stepping back to review a brief history of wildlife protection efforts within Greater Yellowstone before considering whether to restrict wildlife migrations from Yellowstone and to impose the intensive capture, test, killing, vaccination and relocation requirements contained in this proposal.

#### WILDLIFE PROTECTION EFFORTS IN GREATER YELLOWSTONE

The very early efforts in this area to protect wildlife species and their habitat represent conservation landmarks. Establishment of Yellowstone as the world's first national park in 1872 to preserve and protect the wildlife and geologic wonders of the area for future generations predates establishment of the Park Service itself. By the early 1900's, most of the remaining elk in North America, estimated to number fewer than 50,000, were concentrated in the area of Yellowstone National Park and Jackson Hole (Smith and Robbins, 1994). Establishment of the National Elk Refuge

in 1912, combined with the earlier Yellowstone National Park designation, reflected the significant interest in protecting ungulates and their habitat. Yellowstone is the only place in the country where a bison population has persisted since Europeans first arrived on this continent (Meagher, 1974).

Since early in this century, leaders have recognized that lands within the boundaries of the parks do not provide the winter range to maintain the elk, bison, pronghorn and other ungulates of the park. Two executive orders of President Woodrow Wilson in 1917 and 1919 temporarily withdrew certain public lands north of Yellowstone, including lands adjacent to the Yellowstone River as far north as Tom Miner basin, pending legislation to secure the use of the lands as a game preserve. Other lands were exchanged or purchased for these purposes in 1922 and in 1926, after the Department of the Interior indicated the continued existence of the northern park ungulate herds depended upon use of winter range immediately north of the park.

In 1926, Congress adopted Public Law No. 295, an act to make additions to the Absaroka and Gallatin national forests and Yellowstone National Park, to improve and extend the winter feed facilities of the elk, antelope and other game animals of Yellowstone and adjacent land, and for other (game preserve) purposes. The enabling legislation stated: "The passage of this bill and its enactment into law will greatly assist in solving a number of difficult problems in connection with the proper protection of game within and in the vicinity of the Yellowstone Park . . ." In 1932, President Herbert Hoover added 7,600 acres along the northern boundary. Some of the range withdrawal under President Wilson's executive orders was revoked in 1930 and 1969, but much remains.

More recently, a multi-partner land conservation effort spearheaded by the Rocky Mountain Elk Foundation focused international concern and energies into concrete land protection efforts. This successful public/private partnership amassed \$10 million to purchase outright or protect by easement 12 properties totaling over 8,700 acres of crucial winter range and migratory corridors used by elk and other wildlife north of Yellowstone Park.

What these and countless other efforts illustrate is that protected areas of Greater Yellowstone, such as the national parks, do not function in isolation, but are closely integrated with activities and processes occurring on other public and private lands managed by three states, five federal agencies and scores of private parties. The issue of wildlife brucellosis control will be answered by coordinated efforts involving wildlife and land managers, livestock operators and the public. We are hopeful that the Greater Yellowstone Interagency Brucellosis Committee (GYIBC) will provide that framework.

#### THE GREATER YELLOWSTONE INTERAGENCY BRUCELLOSIS COMMITTEE

The GYIBC, initiated by Wyoming Governor Mike Sullivan, includes state and federal agencies working to resolve the issue of brucellosis in Greater Yellowstone wildlife. The GYIBC has established as a goal that of eradicating the disease in Greater Yellowstone wildlife by the year 2010. We support the focus of this group towards resolving inconsistencies and uncertainties in scientific knowledge, and developing a rationale brucellosis control plan. We urge you to endorse the efforts of that committee.

#### CURRENT EIS PLANNING EFFORTS

In addition to the work of the GYIBC, efforts are underway to complete bison management plans for both the Yellowstone and Grand Teton bison herds. The draft Yellowstone bison plan is scheduled to be released this year, with the Grand Teton plan scheduled to be released later. I'd like to talk here about the Yellowstone management plan, which is the primary focus of our discussion today. While we adamantly oppose S. 745, there are other actions that Congress can take to promote a reasonable and acceptable solution.

#### CITIZENS YELLOWSTONE BISON ALTERNATIVE

Four years ago, during agency scoping for the Yellowstone bison plan EIS, I participated on behalf of the Coalition in a citizen's group that got together to hammer out a Yellowstone bison management alternative. This citizens' working group consisted of ranchers, landowners, sportsmen, and conservationists, working in consultation with state and federal agency representatives. I've attached a copy of that agreement to my testimony, and ask you to take a few minutes to review the com-

promise that a broad-based group of citizens was able to develop.\* We submitted this alternative to the agencies for consideration in the EIS. It is certainly not what any one of us, operating in consideration of our own interests, would have developed; it is the result of give-and-take on all our parts, and reflects a sincere interest by the participants in resolving the issue.

Specifically, the citizens' cooperative bison management plan agreed to four years ago called for:

- Allowing seasonal bison migration to limited national forest lands outside the park: near Eagle Creek north of Yellowstone Park, and near West Yellowstone. Separation of bison and cattle would be maintained.
- Removing bison from private lands. These bison could be trapped and tested for brucellosis; those that test positive would be slaughtered and meat auctioned or donated to tribes and charitable organizations. Bison that test negative could be quarantined and shipped to tribes to establish their own bison herds.
- Additional controls on bison numbers, which could be achieved through establishment of a hunt on public lands, following the principles of fair chase and sound wildlife management.
- Maintaining Montana's brucellosis-free status.
- Additional education, research and communication on issues surrounding wildlife management and brucellosis.

This cooperative bison management plan protects the park as a wildlife preserve; provides for limited bison migration to public lands while protecting cattle herds from brucellosis; protects the interests of the private landowners; controls bison numbers; and allows tribes to relocate surplus Yellowstone bison to tribal lands. It was the product of various interests. While it may need some nips and tucks, the core of the proposal is quite sound.

We urge you to review this proposal as you press for the completion of the Yellowstone EIS as well as the Jackson EIS, and work to ensure that adequate resources and commitment are available for both these processes and the efforts of the GYIBC.

#### CLASS FREE STATUS

As mentioned earlier in my testimony, several states have threatened or imposed testing requirements on Montana cattle. Even APHIS got into the act at one point, suggesting it might have to reevaluate the state's status, although it has since reiterated its intent to maintain Montana's brucellosis-free status, stating its confidence that Montana is taking sufficient action to keep its livestock free of the disease. The requirements for testing by other states, despite these assurances from APHIS, undermine the credibility of the national disease control effort and APHIS classification program as well. Allowing arbitrary or discriminatory reactions by other states which choose to ignore this APHIS classification and reasonable state efforts to achieve separation of cattle and diseased wildlife can have tremendous implications for the state's ability to responsibly manage wildlife and protect its cattle as it sees fit.

We should not allow 47 other states, by virtue of their arbitrary cattle testing requirements, to control what Montana, Wyoming and Idaho, in conjunction with the federal agencies, elect to do to manage Greater Yellowstone wildlife. It's about time Montana, as well as Wyoming and Idaho, challenge the actions of other states in proposing required brucellosis testing of Montana cattle: Montana's national class free brucellosis status has been upheld, and these state restrictions are arbitrary and unwarranted. We urge you to help ensure that Montana and the other Greater Yellowstone states retain their status, and are not subjected to unreasonable sanctions from other states, which represent a great economic hardship on Montana cattle producers.

#### GREATER YELLOWSTONE: SHARED RESOURCES, ECONOMIES AND RESPONSIBILITIES

As you review the issues surrounding this problem, we ask that you keep in mind the value of the park and surrounding wildland areas to local economies. Annual visitor use to Yellowstone and Grand Teton national parks exceeds 3 million visitors. Winter use surpassed in three years use levels not anticipated to be reached until the year 2000. Ninety-three percent of park visitors staying in the park for more than one day reported wildlife viewing as their primary activity.

In the past two decades, the economy of Greater Yellowstone has expanded and diversified. Industries supporting outdoor and wildlife-based recreation are increas-

\* Retained in subcommittee files.



ing. Greater Yellowstone ungulates provide significant hunting opportunities. Hunter harvest has been estimated at about 14,000 ungulates per year through the 1980's. The Wyoming Game and Fish Department estimated big game hunters contributed in excess of \$32 million to the local economies in 1992 for hunting in Wyoming alone. Consumptive and non-consumptive uses of Yellowstone wildlife are a significant component of the local economies.

This is not just an issue about the National Park Service's responsibilities to the states—after all, the three states, regional citizens, thousands of businesses, and visitors from all over the world derive great benefits from these parks. It's also about shared responsibilities. Being good neighbors is a two-way street. It's difficult for us to accept the notion that the states should benefit from the parks through regional visitation and related businesses, and hunting of migrating ungulates such as elk, but then say that when it comes to bison, we want you to shut the door. The border of the park is not a metered and staffed gate which serves to let visitors in and out, and most wildlife in and out, but shuts down when it comes to bison.

There's increasing speculation that the increasing population of bison is influenced by the winter use of the park and the existence of groomed roads which facilitate energy-savings by the bison, thus lessening natural winter mortality. The groomed trails also provide an easy migration corridor to lands outside the park. One way to reduce herds and minimize migration, then, is to simply stop grooming the roads, which would effectively close the park in winter. This approach would certainly be cheaper than S. 745's test and slaughter proposal, and in fact, could save money or shift money to other Yellowstone Park uses, since winter visitors cost about ten times what it costs to support summer visitors. It would also minimize the need for human control over bison population numbers. Is this what the states and local communities want?

The point in highlighting this particular option, as unattractive as it may be to the states or the park, is that we are in this together—the states, the federal agencies, the ranchers, local residents and communities, the hunters and the millions and millions of visitors from throughout the world who have come to see and know Yellowstone. The more we refuse to accommodate and understand each other, the more likely the solution will be delayed and delayed and delayed, the more likely it will be one-sided and the more likely it will be unacceptable to be to the vast majority of interests.

#### SUMMARY

The proposed actions are outside the scope of a rationale, integrated management plan which also addresses habitat, population dynamics, other wildlife species and human-controlled influences such as feedlots and groomed snow roads. We urge you to oppose this specific proposal, and instead, consider other opportunities to have a positive influence on current efforts to develop rational management plans as we outlined earlier: endorsement and dedication of sufficient resources to complete the two bison management plans currently underway as well as the scientific review and policy processes in which the GYIBC is currently underway; support for the Yellowstone bison management proposal as developed by the citizen's bison working group; protection for the class free brucellosis status of the Greater Yellowstone states; and the prohibition against arbitrary testing requirements by other states.

We appreciate this opportunity to comment, and look forward to working with you further on a solution to these complex issues.

Senator GRAMS. Thank you.

Mr. Francis, your testimony.

#### STATEMENT OF EDWARD L. FRANCIS, PRESIDENT, ROYAL TETON RANCH, CORWIN SPRINGS, MT

Mr. FRANCIS. Mr. Chairman, Senator Burns, thank you. I appreciate the opportunity to come down and testify on this bill today and particularly want to thank Senator Burns for his attention on this issue. I'm here representing the Royal Teton Ranch. We operate a 12,000-acre ranch to the north of Yellowstone National Park and share 4½ miles of common boundary. Most of the bison control activities in the last decade on the northern tier of Yellowstone have occurred on our property.

The primary reason I'm here today is because future viability of ranching on this land is now in serious jeopardy. Our ranching actively can only be continued if it remains sustainable for the long term. The National Park Service, perhaps unwittingly, may be in the process of driving ranching out of the Greater Yellowstone area. The alternatives to this traditional land use will not likely be attractive to or to the benefit of Yellowstone Park. Cattle ranching is in fact one of the more compatible private activities on land adjacent to the Park. It preserves open spaces largely free from residential development and has fewer potential conflicts with the Park than other forms of agriculture. Over the last decade we have gone out of our way to accommodate Yellowstone Park on a range of land uses, including agricultural activities, but these efforts have seldom been reciprocated.

One salient example may help to illustrate our dilemma and the irony of this situation. Several years ago at the insistence of Yellowstone Park and others we voluntarily eliminated sheep ranching because of concerns that domestic sheep could pass diseases to wild big horn sheep. Yet despite promises, the Park management has done nothing to alleviate the threat of disease transmission from its bison to domestic livestock. It seems to me that Park management's attitude towards its neighbors is, "What's ours is ours, what's yours is negotiable."

The efforts, impacts and costs associated with large numbers of diseased bison moving onto the ranch include the obvious threat of transmission of brucellosis from bison to domestic livestock and a related health threat to ranch employees. Should an infection occur, the ranch would be quarantined immediately. Thereafter, livestock raised there would be perceived as tainted goods and essentially become unmarketable. It is also important to recognize that even if Yellowstone bison were not infected with brucellosis, no ranch could survive economically with hundreds and perhaps eventually thousands of bison wandering back and forth across it out of the Park.

Other impacts have included destruction of fencing, damage to pastures and range resources, threats to the personal safety of residents. Perhaps one of the biggest impacts has resulted from the control efforts which have been carried on only outside the Park since this problem has been growing. For the last decade, this has effectively turned the southern half of our ranch into a bison-control buffer zone; and we have little ranch use of that property during most of the winter months, and this has resulted in a lot of costs. The fact that these control activities only occur outside the Park also allows Yellowstone Park to avoid the bad publicity that has been attendant with it for the most part and lets others shoulder this load, and the load has been pretty heavy in some years.

I think we all know that the issue of overgrazing in the Park is hotly contested; but commonsense tells us that there is some bison carrying capacity for Yellowstone Park. This is not a wildlife issue that can be addressed through an ecosystem management approach as has been suggested. The ecosystem for bison was the Great Plains of North America and even more and certainly included the entire Yellowstone Valley. Historically, man, mountains and forage regulated the movement of the number of bison in North America.

The conditions are simply not in place for them to be naturally regulated here and, therefore, there is no ecological justification for allowing bison to extend their range beyond Yellowstone Park. The fact is, you could increase the size of the Park tenfold and it still would not make any difference. Eventually there would be bison out-migrating from that park because there's nothing to prevent them from doing so. Some means of population control is needed and man is going to have to be part of the process as he has been historically.

We believe that the only responsible governmental solution to this State of affairs is for a binding commitment to be made by or, if necessary, imposed on the National Park Service requiring it to prevent bison from exiting Yellowstone Park, to institute management policies which would humanely reduce and limit bison populations to a practical carrying capacity for the Park and to eventually eradicate brucellosis from the herd.

I'd like to make one final comment, and that is concerning this idea that there are two victims in this case, the bison and people. It seems to me that that puts bison on an equal footing or animals on an equal footing with people, and I do not think there is any basis for that in the law. It seems to me that the animals are there primarily for the benefit of the people and for the carrying out the park purposes for the people, and I think that that needs to be addressed here.

We support S. 745. My testimony in its entirety is submitted for the record. We do make one recommendation, and that is that the bill be expanded to recognize the landowner's right to fence his property to exclude bison because Yellowstone Park has asserted to us that we may not have the right to do that. That's covered in more detail in my testimony.

I wish to thank you for this opportunity.

[The prepared statement of Mr. Francis follows:]

PREPARED STATEMENT OF EDWARD L. FRANCIS, PRESIDENT, ROYAL TETON RANCH,  
CORWIN SPRINGS, MT

Mr. Chairman, my name is Edward Francis and I am the President of the Royal Teton Ranch. We operate a 12,000-acre ranch to the north of Yellowstone National Park and share 4 miles of common boundary. Most of the bison control activities in the last decade on the northern tier of Yellowstone have occurred on our property.

The primary reason I am here today is because the future viability of ranching on this land is in serious jeopardy. Our ranching activity can only be continued if it remains sustainable for the long term.

Cattle ranching is one of the more compatible activities on private land adjacent to the park. It preserves open spaces largely free from residential development and has fewer potential conflicts with the park than other forms of agriculture.

Over the last decade, we have gone out of our way to accommodate Yellowstone Park on a range of land-uses, including in our agricultural activities. But these efforts have seldom been reciprocated. An example may help to illustrate our dilemma and the irony of the situation we and Montana's livestock industry face with the park's bison policy.

Several years ago, at the insistence of Yellowstone Park and others, we voluntarily eliminated sheep ranching because of concerns that domestic sheep might pass diseases to wild bighorn sheep. Yet, despite promises, park management did nothing to alleviate the threat of disease transmission from its bison to domestic livestock on ranches all around the park.

Park management's attitude toward its neighbors seems to be "what's ours is ours, what's yours is negotiable."



## IMPACTS

The adverse impacts and costs associated with ever larger numbers of park bison moving onto the ranch have become intolerable. Some of these impacts include:

- The threat of transmission of brucellosis from bison to domestic livestock and a related health threat to ranch employees. Should an infection occur, the ranch would be quarantined. Thereafter, livestock raised there would be perceived as tainted goods.
- The annual destruction of miles of wire fencing during periodic large bison movements.
- Considerable damage to pastures and range resources from several hundred bison grazing on our 400-animal unit ranch.
- Threats to the personal safety of residents and their children from large numbers of bison and associated liability concerns. It is a known fact that more people are injured or killed each year by bison in Yellowstone than by grizzly bears.
- The loss of use of a large portion of the ranch on a seasonal basis due to the presence of bison and the need for state control efforts. For the last decade, this has effectively turned the southern half of the ranch into a bison control buffer zone.
- The loss of quiet enjoyment of the ranch due to the almost daily procession of park rangers, game wardens, livestock officials, researchers, tribal members, media, onlookers and protestors involved in or opposing the control effort during bison movements. Often, this has amounted to more than 50 people and daily caravans of several dozen cars.
- Negative publicity, including a widespread perception that the killing of bison is the ranch's fault.

## NATURAL REGULATION

Bison were essentially domesticated and ranched in Yellowstone Park until several decades ago when a decision was made to cease hands-on management. According to the new management philosophy, wildlife populations were to be "naturally regulated" and bison were to be treated as wildlife. For many reasons, however, bison are not comparable to the other wildlife species of Yellowstone, but represent a special case.

I think we all know that the issue of overgrazing in the park is hotly contested. Good arguments with supporting data have been made that the park is already being overgrazed and range resources are being damaged. Park researchers say "not so." But common sense tells us that there is some upper limit. There is a bison carrying capacity for Yellowstone Park.

Several decades ago when the National Park Service adopted its policy of natural regulation, the entire Yellowstone bison population numbered only about 400. That number has now ballooned to over 4,000 with no end in sight. Bison began leaving the park in large numbers when the herd size exceeded about 1,500. That should tell us something about a practical carrying capacity for Yellowstone bison.

This is not a wildlife issue that can be addressed through an ecosystem management approach. The ecosystem for bison was the Great Plains of North America, including the entire Yellowstone River Valley. According to the park's chief bison expert, bison do not migrate as do elk and deer—they wander. Historically, man, mountains and forage regulated the movement and number of bison in North America. There are no natural boundaries, predators or other controls that will limit the expansion of their range to the relatively small niche of the Greater Yellowstone Area.

In short, bison are not self-regulating nor are the conditions in place for them to be naturally regulated here. Logic should tell us that there simply is no ecological justification for allowing bison to extend their range beyond Yellowstone Park.

We must also recognize that, even if Yellowstone bison were not infected with brucellosis, no ranch could survive economically with hundreds (and perhaps eventually thousands) of bison wandering back and forth across it.

Some means of population control is needed, and man is going to have to be part of the process. Yet, because of its dogmatic adherence to the natural regulation philosophy, Yellowstone Park does not seem to be willing or able to solve this problem on its own.

## SOLUTIONS

We believe that the only responsible governmental solution to this state of affairs is for a binding legal commitment to be made by or, if necessary, imposed on the National Park Service requiring it to:

- (1) prevent bison from exiting Yellowstone Park (and possibly a few parcels of federal land immediately adjacent to the park);
- (2) institute management policies which will humanely reduce and limit bison populations to a practical carrying capacity for the park; and
- (3) eventually eradicate brucellosis from the herd.

As a private landowner and working ranch, we can no longer tolerate the existing situation. Any plan which has the effect of making our ranch an actual or de-facto buffer zone outside the park is not acceptable. The buffer zone should be in the park with effective measures for preventing bison from exiting.

Most people ask us, "Why don't you just fence them out of your property?" This would appear to be an obvious private solution and we have seriously considered it. However, Yellowstone Park has strenuously objected and threatened legal action if we attempt to do so because of a federal law known as the "Unlawful Inclosures Act."

This law dates to 1885 and was originally intended to prevent large ranches from obstructing lawful access to large blocks of public land during the range wars of the 19th century. Park management apparently wants to extend an access privilege to its bison. Since we have made it clear that no fencing would be erected so as to prevent the seasonal movements of elk, deer, antelope and big horn sheep, park officials seem to be advocating a permanent bison migration route onto or across the ranch.

We are therefore left with this Catch 22: The state says bison must be excluded from the ranch or we will be quarantined (in other words, put out of business). The park says it will not prevent bison from leaving and if we try to fence them out we may be prosecuted (the Unlawful Inclosures Act also carries criminal penalties).

This should not be a valid interpretation of the law and the federal government should not be treating its citizens in such a high-handed manner.

Nevertheless, in the absence of a practical private or governmental solution to keep bison off the ranch, our options as a landowner are limited. We may be forced to abandon cattle ranching altogether. Other ranches around Yellowstone may come to face the same choice.

Thus, park management—perhaps unwittingly—may be in the process of driving ranching out of the Greater Yellowstone Area. The alternatives to this traditional land use will not likely be attractive or to the benefit of Yellowstone Park.

Having been involved with this issue for over ten years—including as an intervener in Montana's bison lawsuit and in many related meetings designed to find solutions—I am skeptical that the National Park Service will ever voluntarily control its diseased bison. Decades of inaction is enough. Unless a real and lasting settlement of the lawsuit is forthcoming in the near future, it is time for Congress to act.

We therefore support Senate Bill 745. We do recommend that the bill be expanded to recognize any landowner's right to fence his property to exclude bison, notwithstanding any other federal law, ruling or interpretation.

## CONCLUSION

Mr. Chairman, this problem has been begging for a practical solution for decades. The federal agencies with jurisdiction have done nothing and, if the past is prologue, will do nothing if not required to. The more time that passes, the worse the problem will get. This bill not only represents a practical program for solving the problem where it originated, it also shows citizens in the West that the federal government can be responsive to the needs of the people—people who reside here, not in the urban areas of the East.

In conclusion, I wish to thank Senator Burns for his thoughtful consideration of this problem and for his efforts to finally get something done.

Senator GRAMS. Your testimony will be submitted in its entirety.  
Ms. Quist, your testimony.

#### STATEMENT OF MARCELLE QUIST, ON BEHALF OF THE FUND FOR ANIMALS

Ms. QUIST. Good day, Mr. Chairman, and Senator Burns. My name is Marcelle Quist. I'm an attorney here in Montana rep-

resenting the Fund for Animals. We oppose this legislation. I am also a graduate of the University of California at Davis in animal science and have some personal knowledge and information regarding these issues from my education and my prior experience, as Senator Burns is very well aware of, here in Montana.

About a century ago the policies of the U.S. Government allowed the slaughter of most of the bison here on the Plains. What we are asking for in this speech today is to consider what's going to happen to the only remaining bison of the original Plains bison. There are six questions that we have asked the committee and, therefore, the Congress to consider, the first of which would be what is the real risk of disease transmission from the bison to domestic cattle.

There is very little true risk of transmission at this time. As attachments to our testimony will provide, the only chance of transmission is very limited during certain periods of the calving season, where both the cattle and the bison would be at the same place at the same time or the chance, which is very insignificant, that the brucellosis disease pathogen would be available for transmission into other animals.

The most important thing to realize here is that even though the testing has proven that there have been up to 50 percent of the bison who have been exposed to the disease, the reality in the testing that was done in 1991 and 1992 proved that only 12 percent actually carried the disease. So while 50 percent of the bison herd may have been exposed to the disease, a very small percentage are carrying the disease and would transmit it to other animals.

More importantly, elk are also a part of this process. Even if this bill was placed into law and the requirements of the bill were met, there's no protection that the elk would not come back and reinfect the bison herd or, more importantly, the cattle upon which this bill is being promoted to protect.

The second question that we ask is, are there too many bison on the range? This bill assumes that there are too many bison presently in Yellowstone. Well, no one has been able to give you any idea today as to what the correct number is. I submit to you that you may never be able to answer that question. Also, you must consider why Yellowstone National Park is where it is and what is being considered there. It has always been the policy of Yellowstone National Park to allow the free-roaming herd and also to allow the natural increase and decrease of animals in that park. To take the bison and manage them exclusive of any of the other animals in Yellowstone National Park or any other aspects of Yellowstone National Park would be to go away from the original mandates of the Park, and that must be done with a tremendous amount of consideration and not just for the meeting of a special interest.

There's also the assumption that if the numbers were reduced, that the bison would no longer leave the Park; and I do not think there's anyone here today to tell you that their natural migrating processes are going to change if you decrease the number of the bison in the Park.

How has the winter use impacted the bison population? Again, attached to the testimony is a paper that's presented to you by the bison biologist which specifically says that one of the major reasons



for the increase in the bison population is a result of snowmobiling in Yellowstone National Park. Within the last 10 years, the increase in the number of bison is directly correlated to the increased use of making the roads available for the snowmobiling, which also makes it available to the bison to be able to migrate within the Park and to increase their numbers. It reduces their winter stress, which a lot of people have testified already here today about that, how that affects the bison numbers.

How can the mandates of the bill be carried out without funding? We are talking about significant amount of funding that's going to be required here in order to carry this out. I think I understood it correctly that the quarantine area alone would be a million dollars. Well, the numbers that we are talking about in controlling the bison at this time seems to be less than a hundred thousand. I think we really seriously need to consider and the Fund asks you to consider what it's going to cost to do this and to do the things that are asked for in this legislation.

More importantly, there must be a consideration as to who is going to carry this out and if it's going to accomplish what's requested. We ask that the role that Congress accept be one of allowing the process to continue on that had been already in place to deal with this problem, to allow the people in both the National Environmental Policy Act and the Greater Yellowstone Interagency Brucellosis Committee to continue to deal with this.

Finally, we ask, what is best for Yellowstone National Park and its bison? To answer your question, Senator Burns, while most people probably have never seen a bear, I would submit to you that most people have probably seen a bison in Yellowstone National Park, and that is something that the United States wants to see. It is a national symbol, always has been, and we ask that it continue to be so. Thank you.

[The prepared statement of Ms. Quist follows:]

PREPARED STATEMENT OF MARCELLE QUIST, ON BEHALF OF THE FUND FOR ANIMALS

Good day. My name is Marcelle Quist. I graduated from the University of California at Davis with a bachelor degree in Animal Science. In 1988, I completed my law degree at the University of Montana Law School. Upon graduation, I served as the law clerk for the Honorable Thomas A. Olson of the Eighteenth Judicial District Court in Bozeman, Montana. I appreciate and thank the members of the Subcommittee for an opportunity to testify on behalf of my client, The Fund for Animals on S. 745 today.

Once 60 million strong, the American bison population at the turn of the century was resting on the precipice of extinction. A U.S. Government sponsored slaughter of plains vision in the mid to late 1800s nearly exterminated these magnificent animals for the Indians. Today, the U.S. Government through S. 745 is again considering a mass slaughter of bison—the descendants of the few dozen bison who survived the slaughter in the 1800s and who now reside in Yellowstone National Park (YNP). Though the reasons have changed, now, like then, there is no justification for the proposed slaughter.

S. 745 is an unfortunate response to the longstanding controversy surrounding the management of bison and cattle in Yellowstone National Park. While The Fund for Animals shares the concern of many over the pace of developing and implementing a management plan for bison, it is adamantly opposed to S. 745, because it would result in the slaughter of thousands of Yellowstone bison without justification, exclude the American public from participating in the decision-making process, and would threaten the public's use and enjoyment of America's first and foremost National Park.

S. 745, if passed, would require the National Park Service to round up, test, slaughter or sterilize exposed bison, quarantine non-exposed bison, and shoot any

bison who could not be captured and subjected to the testing procedure over a three year period with the intended objective of establishing a disease-free bison herd. Though sterilization of exposed bison is an option, the logistics and cost of conducting sterilizations humanely on all exposed bull and cow bison effectively prohibits sterilization as a potential tool. This legislation would effectively decimate the existing Yellowstone bison herd.

#### WHAT IS THE REAL RISK OF DISEASE TRANSMISSION FROM BISON TO DOMESTIC CATTLE?

The *B. abortus* bacteria causes brucellosis in cattle and other domestic livestock, the symptoms of which include the spontaneous abortion of the first post-infection calf, a retained placenta, and, in some cases, sterility. The available evidence demonstrates that few bison, unlike cattle ever experience an abortion or display other symptoms consistent with brucellosis. In fact, in approximately 75 years of monitoring, there have been only three abortions recorded in bison who inhabit the Greater Yellowstone Ecosystem (GYE) which includes Yellowstone and Grand Teton National Parks. The bacteria, for all intents and purposes, has no measurable impact on Yellowstone bison.

The principal route of transmission of *B. abortus* between cattle, and, theoretically, between bison and cattle is through oral ingestion of the bacteria by a susceptible animal as the result of contact with an aborted fetus, contaminated birth materials, or, though rare, through consumption of contaminated feed. Since the principle route of bacteria transmission involves an abortion or calving event, bull bison are not considered important as a vector for the bacteria. A draft report (see Exhibit 1)\* prepared by a working group to the technical subcommittee of the Greater Yellowstone Interagency Brucellosis Committee on this issue, concludes that:

"The available evidence indicates that any risk of *Brucella abortus* transmission from bison to cattle is almost certainly confined to contamination by abortion in adult females. The brucella organisms are rarely detected in bison semen and even presents there is no evidence that they can be transmitted through natural service or environmental contamination."

Blood tests have traditionally been used to test the blood of slaughtered bison to determine the animal's disease status by detecting antibodies to the *B. abortus* bacteria. Such tests only establish if an animal has been exposed to the bacteria. Whether an animal is infected or infectious is determined by tissue culture.

While there is a high correlation between bacteria exposure and infection in cattle, no such correlation exists in bison. The available evidence demonstrates that the blood test is not accurate in assessing the disease status of free-ranging bison. Therefore, thousands of bison who are neither infected nor infectious will be killed unnecessarily if this legislation is passed.

The available scientific evidence does not justify the actions proposed in the legislation or for the continuation of the current bison policy in Montana. Blood and tissue sampling done on bison killed during the winter of 1991/92, clearly reveals that the paranoia and fear attributed to the potential threat of bacteria transmission from bison to cattle under natural conditions has been greatly exaggerated by the livestock industry and affiliated agencies.

Of the 213 bison killed during the winter of 1991/92 from whom blood and tissue samples were removed for analysis, the bacteria was only cultured from 27 bison. Of these 27, 19 were males and, as previously indicated, not considered capable of transmitting the bacteria. Of the 8 female bison remaining, the bacteria was only cultured from the reproductive tract of one animal, a non-reproductive yearling. Therefore, of the 213 bison sampled, not one was determined to be capable of transmitting the bacteria at the time of their death.

In order for a bison to potentially transmit the bacteria, the bacteria must be present in the reproductive tract where it can be expelled in the event of an abortion or live birth. The simple expulsion of the bacteria is not enough, however, to guarantee infection. There would have to be contact by the host animal with the bacteria, enough of the bacteria would have to persist under variable environmental conditions and be consumed to promote infection, and the potential host animal would have to be susceptible to infection. Though research has shown that *Brucella sp.* can survive in a frozen state indefinitely, in direct sunlight the bacteria is killed within hours. Considering these factors, the risk of bacteria transmission is extremely remote, if even possible. In fact, there has never been a documented case of *B. abortus* transmission between bison and domestic livestock under natural con-

\* All exhibits have been retained in subcommittee files.

ditions. (See Exhibit 2 for additional information about the risk of bacteria transmission between bison and cattle.)

Other species, particularly elk, that inhabit Yellowstone National Park are also known to harbor *B. abortus*. While the percentage of elk known to be exposed to bacteria is only one to two percent, compared to nearly fifty percent of the bison, the larger number of elk in comparison to bison would suggest that elk, purely from a disease perspective, pose a greater threat to domestic livestock. The legislation, however, does not address elk. The legislation fails to consider the bacteria in elk could act as a source of reinfection of a "disease-free" herd of bison, effectively invalidating the objectives of the proposed legislation.

#### ARE THERE TOO MANY BISON ON THE RANGE?

S. 745 implies that the current bison population far exceeds the number Yellowstone National Park can support. The legislation requires the establishment of a team of range scientists to determine the Park's appropriate carrying capacity for bison. The Park would be mandated to manage for 500 fewer bison than what the range scientists determine is an acceptable number.

This concern for the range condition of the Park presupposes that there currently are too many bison in the Park. We are aware, however, of no scientific evidence to demonstrate that the number of bison who currently reside in Yellowstone National Park have caused significant, long-term range damage in the Park.

Moreover, considering that the Park management philosophy is one of natural regulation, it is inconsistent, from an ecological and biological perspective, to attempt to define a carrying capacity for bison or any other species. The cornerstone of the Park's natural regulation philosophy is to allow natural elements and factors to dictate wildlife abundance, distribution, and health. As the size and distribution of the Park's bison population is, under such a natural regime, principally regulated by climate and predation, mild weather and minimal predation will result in an increase in the size and distribution of the bison herd. A carrying capacity simply cannot be defined if natural regulation dictates the management of the Park's bison.

#### HOW HAS WINTER USE IMPACTED THE BISON POPULATION?

Despite this natural regulation policy, Yellowstone National Park has facilitated snowmobile use of the Park by actively grooming snowmobile trails since 1970. These trails, according to Dr. Mary Meagher, the Park's bison biologist, have provided energy efficient travel routes for bison during the winter resulting in decreased winter kill, increased survival, and increased productivity among the Park's bison (see Exhibit 3). These impacts, in turn, have led to changes in the movements and distribution of bison during the year. Though other natural factors, such as climate, can also influence bison productivity, snowmobile use in the Park is the one factor which influences productivity which is directly under human control.

The energy efficient trails allow bison to move within the Park with greater ease and, through short- and long-term impacts to bison productivity, create pressure for individual bison to emigrate from the Park in search of accessible food. Dr. Meagher has estimated that bison use of the groomed snowmobile trails may have resulted in a doubling of the Park bison population.

Termination of snowmobile use of Yellowstone National Park will make emigration of bison from Yellowstone National Park more difficult and will reduce the size of the population through increased winter kill, reduce the productivity of the bison population by increasing stress and decreasing energy reserves, and place less pressure on individual bison to emigrate from the Park in search of accessible food as the population size decreases. By closing the Park to snowmobile use, the National Park Service would reestablish natural regulation as a viable mechanism for the control of the size, distribution, and movements of the Yellowstone bison herd.

#### HOW CAN THE MANDATES OF THE BILL BE CARRIED OUT WITHOUT FUNDING?

Despite the enormous mandates imposed on the National Park Service by this legislation, it does not appropriate additional funds so the National Park Service can process each bison as required. The logistical difficulties and financial cost associated with rounding up, testing, slaughtering, or sterilizing blood test positive bison, establishing a quarantine facility for blood test negative bison, and shooting bison who are not tested, are enormous. Considering the continued decline in appropriations for the operation and maintenance of America's national parks, Yellowstone National Park could not afford to satisfy the requirements of S. 745 significantly compromising visitor use and potentially resulting in a decrease in revenue generated by tourism.



## WHAT ROLE SHOULD CONGRESS ACCEPT?

Rather than requiring new, expensive, and detailed management actions, Congress should allow existing Congressional policy to be implemented by federal and state officials. Congress should resist the temptation of ordaining a particular management solution when such solutions are more appropriately addressed by individuals with specific expertise in bison and cattle management and brucellosis.

S. 745 will embroil Congress in future bison management decisions since a law can only be modified by additional Congressional action. We find it hard to believe that the Congress would have the interest, time, or inclination in revisiting an issue which is more appropriately resolved by the interested and involved agencies.

In this case, two processes are already in operation to resolve this perceived conflict.

### 1. *National Environmental Policy Act*

State and Federal agencies are preparing an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) to address the long-term management of Yellowstone bison who emigrate into Montana. The National Park Service, the lead agency in preparing the EIS, has established a deadline of September 1996 for the publication of the final EIS on this issue. A significant amount of agency personnel time and funds have already been expended in preparing the EIS, all of which will be wasted should this legislation pass.

The legislation would also short circuit the existing public participation process under NEPA. Instead of providing the public an opportunity to participate in the decision-making and review process that is currently underway, the legislation would exclude environmental impact analysis entirely, including any opportunity for public input.

Considering the importance of Yellowstone National Park—the world's first and foremost National Park—and the scientific, aesthetic, historical, and spiritual importance of the American bison to Americans, excluding the public from participating in a fair and objective decision-making process to determine an acceptable long-term resolution of the perceived conflict between bison and cattle is unfair, inappropriate, and contrary to the democratic principles upon which this country was built. If for no other reason, this legislation should be either significantly modified or withdrawn.

### 2. *Greater Yellowstone Interagency Brucellosis Committee*

Also, with the approval of the Governors of Wyoming, Idaho and Montana, and the Secretaries of Agriculture and Interior, the Greater Yellowstone Interagency Brucellosis Committee (GYIBC) has been established to identify and recommend appropriate management strategies which, if implemented, may resolve this perceived conflict. Comprised of representatives from federal and state agencies who are directly involved in wildlife and/or land management in the Greater Yellowstone Ecosystem (GYE), the GYIBC was developed in response to the growing concerns among various interested parties to the management of bison, elk, and cattle in the GYE. Recently, a final Memorandum of Understanding which outlines the mission and objective of the GYIBC was completed (see Exhibit 4).

While the Fund may not agree with all the GYIBC decisions, its operating procedures provide for an honest and open discussion of the relevant issues. Moreover, decisions made by the GYIBC, unlike decisions made by Congress, will not exclude the public from participating in the decision-making process. Unfortunately, passage of this legislation would significantly compromise the operation and existence of the GYIBC, probably causing its demise.

While we share the frustration over how long the EIS has taken to prepare, we encourage Congress to resist the temptation to address these frustrations by attempting to legislate a perceived solution. Instead, we encourage them to allow the existing processes, which are already well underway, to continue. Such processes theoretically allow those with specific expertise and those interested members of the public to openly and objectively resolve the many complex biological, ecological, social, and legal factors that are relevant in this perceived conflict between bison and cattle.

### WHAT IS BEST FOR YELLOWSTONE NATIONAL PARK AND ITS BISON?

If this legislation passes, thousands of bison will likely be slaughtered because of a perceived threat, not an actual threat, of disease transmission between wild bison and domestic cattle. Thousands of bison will die because of an unsubstantiated fear, paranoia, and speculation generated by the livestock industry and its supporting agencies. Tragically, despite the potential bloodshed, there is no evidence to suggest

that the actions imposed by the legislation will prevent reinfection of the surviving bison from other animals who may harbor the bacteria.

If it is the intent of the U.S. Congress to undo over 120 years of protection provided to Yellowstone National Park and to mandate the Yellowstone bison—the descendants of the few survivors of the massive bison slaughters in the 1800s—be managed like a herd of cattle for no valid or demonstrable reason, then this legislation should be passed. If, however, the U.S. Congress wants to retain Yellowstone National Park as the world's foremost national park and wants to protect Yellowstone's wildlife for the enjoyment of future generations, and recognize that the proposed "cure" embodied in this legislation is worse than the perceived problem, then this legislation must be withdrawn or defeated.

Instead, Congress should permit the National Environmental Policy Act (NEPA) process that is already underway and scheduled for completion in September 1996 to be concluded and to permit the Greater Yellowstone Interagency Brucellosis Committee (GYIBC) to continue its deliberations. This will allow the objective analysis of the biological, ecological, social, and spiritual issues involved in this debate while ensuring the public the opportunity that it deserves to participate in the process.

Senator GRAMS. Thank you very much for your testimony. I have only got a few brief questions here I would like to ask quickly because I know we are running out of time, but that does not lessen the importance of your testimony.

Ms. Quist, was the Park established as a national park or a wildlife refuge?

Ms. QUIST. I think it was established as a national park to allow both the wildlife and other aspects of the Park, which are the geothermal and other things that we enjoy on a regular basis as Montanans and as U.S. citizens, to be able to work as a whole ecosystem. It was not specifically just for the animals, but it was not specifically not for animals either.

Senator GRAMS. You said you oppose the legislation and I know you just said that the process should be allowed to continue. I think we have heard testimony from people directly involved and those adjacent to the Park that they do not like what is going on. There is no doubt that they are concerned in their testimony, so I do not think you are going to get a consensus here this morning that the process should be allowed to continue. In fact, it has been talked to death several have said.

Where do we go from here? What we are trying to find out is an answer that both sides can agree to and continue on and try to solve this problem.

Ms. QUIST. Mr. Chairman, the problem with this legislation is that it only meets the needs of a small group of people. There are not enough people here before you today who all agree that this is the process that should be gone through. The problem with that is that, yes, this may meet some of the needs of, for instance, the livestock people here in Montana and the ones who are specifically close to the Park, but it does not meet the public's need.

Also, too, I think education is a very important issue because there's this threat that brucellosis is the fear here, but there is no direct substantiation that that is going to happen in this case.

Senator GRAMS. They might be a small group, but they should not be ignored.

Ms. QUIST. Absolutely not.

Senator GRAMS. I have had the philosophy if you can not keep your neighbors happy, the policy has failed.

Ms. QUIST. And it's a very difficult question, but one solution is not always the right answer.

Senator GRAMS. Mr. Francis, in your testimony, just briefly, you said, I think you mentioned that it was one of attitude. What did you mean by that, the Park management is one of attitude?

Mr. FRANCIS. Well, Mr. Chairman, I have been involved in this issue for over 10 years now, since the large migration started, and there have been innumerable meetings, sessions, negotiations, processes, promises made, and we are really no further along right now, today, than we were 10 years ago. I think the problem is that if everybody could sit down at the table and evolve a solution that involved a consensus and compromises on each side, it could be done but for one fact. That is that it does not seem that the National Park Service has ever been willing to compromise one inch on anything. That's why I think it may be necessary at this point to get to the point of actually legislating some kind of a mandate so that the Park Service has some directions on what it should do here because as long as the Park Service digs in its heels and is not willing to compromise, there can never be a settlement of this issue.

Senator GRAMS. Jeanne-Marie, if you would take the microphones, as well. I know you oppose the legislation. Your suggestion has been to follow the course of the agreement that has been worked out among the groups and you also mentioned there is a lack of sound science. It seems like cattlemen have been able to eradicate the problem within their herds. Is there a science that says that the herds, if they are managed correctly, vaccinated and culled out, that we could eradicate this problem? So there is a science that could be applied.

Ms. SOUVIGNEY. There is a science and it applies to cattle herds. We are not convinced that that same science can be transferred to bison herds, and that is one of the real difficulties of trying to say that we should just treat bison in Yellowstone like we do other cattle and bison herds around the country. Those are domesticated ranch animals and that's not what we're talking about here. There's a lot that is not known about the disease in wildlife, and that's become very clear after sitting through days of meetings of the Greater Yellowstone Interagency Brucellosis Committee, that that's exactly what that committee is struggling to resolve, are those issues.

Senator GRAMS. Senator Burns, any questions?

Senator BURNS. Jeanne-Marie, who is a member of that Coalition?

Ms. SOUVIGNEY. Of what coalition?

Senator BURNS. The interagency coalition.

Ms. SOUVIGNEY. It was started by Governor Mike Sullivan and it includes the State and Federal agencies involved in this, which would be the National Park Service and APHIS, the U.S. Forest Service, the State veterinarians and State wildlife biologists.

Senator BURNS. While we are on this, I do not know how to quite quote this, but what is to say—Is there a better way to extend the boundaries of the Park than to allow the free roam of bison outside the Park?

Ms. SOUVIGNEY. We're not proposing to extend the boundaries of the Park, so I'm not sure what the question is. What we're suggesting is that those Federal lands outside the Park were specifically



set aside to provide winter range for ungulates migrating from Yellowstone and they should be allowed to do that for bison. We're not suggesting that—

Senator BURNS. They are national forest, are they not?

Ms. SOUVIGNEY. Right, but they were set aside as a game preserve back at the turn of the century into the 1930's, and so on, recognizing that the habitat in Yellowstone was not sufficient to provide the winter range. What we are suggesting is that private land be protected, that bison not be allowed to go on private land, but that the public land be available for bison.

Senator BURNS. Okay, fine. Ms. Quist, I have a couple questions for you. This was a group when we wanted to test these animals, and what is to say if we have a pretty good idea and the science is pretty solid on how the brucellosis got into the bison; is that correct?

Ms. QUIST. I do not think that my group or I agree that it is exact in any way. It may have been in the bison for longer than we have been able to test for it.

Senator BURNS. Well, we know that we think it's pretty much been documented that it was a dairy herd that was maintained inside the Park, domestic cattle. If the virus can be transferred from domestic livestock to bison, what is to say that the bison cannot transmit it back to cattle?

Ms. QUIST. They have been able to, and I believe it's at Texas A&M, to—

Senator BURNS. Wait a minute, now. Wait a minute. We are going to lead up to Texas A&M. You fought that, did you not? Let the record show, it says, "Was it your organization that filed a lawsuit that blocked the transfer of animals from Yellowstone to Texas A&M where research on disease could have been completed by now?"

Ms. QUIST. Prior to that time at Texas A&M, they were able to infect domestic cattle with bison in brucellosis, but it has never been documented in the wild, and that's the difference. They do not use the same calving grounds. They do not traditionally travel in the same places to prove that the Yellowstone National Park bison have ever infected cattle in the natural system that they are now.

Senator BURNS. Why would you file that lawsuit and block those animals from being transferred down there?

Ms. QUIST. Because the Fund for Animals does not believe in animals being used for research and they do not want the free-roaming bison to be used, to be collected and then slaughtered after they are used for research.

Senator BURNS. By the way, I have a suggestion on how we can finance the quarantine or the facilities. On the Park's inventory list, we found a \$500,000 vacuum cleaner. We could probably sell that and use that. That is sort of a sore spot in our side. It was not found at Yellowstone, we will put it that way, but we found it and it has been sort of a statement around town; and you was wondering about your environment out here. Senator Grams and I operate in 13 square miles of a logic-free environment back there.

With regard to the health of the herd and the maintenance of the herd, would you completely disregard the statement of the Montana Stockgrowers as put forth by Mr. Hammond this morning?

Ms. QUIST. No, not at all. I think they have some real concerns that need to be addressed.

Senator BURNS. I mean even with regard to the health of the bison.

Ms. QUIST. The biggest concern that the Fund for Animals has is if you did make the determination that every bison who has been exposed is therefore a carrier, which cannot be done, and therefore must be either destroyed, neutered or somehow quarantined, that destroys the free-roaming herd of Yellowstone National Park. What we do not want and what we're here to ask you to do today is to consider how that affects the animals and what's going to happen to the herd should that happen because what they are saying is that more than 50 percent of this herd has been exposed and, therefore, tests positive; but the problem with that is that does not mean that they are transmitters and it does not mean—In the recent studies that the Fund for Animals did oppose, only 12 percent of them were actually positive for the disease.

Senator BURNS. I would suggest, and you can correct me, I would suggest the whole herd has been exposed; would you not say that?

Ms. QUIST. I think that would be a logical conclusion given the fact that 50 percent have been tested that they have been exposed; but obviously some of those animals do not get the disease or do not have the antibodies. What they are testing for is antibodies, which is the understanding that they have been exposed to develop the antibodies for the—

Senator BURNS. Let us not go but one step. I would say they have all been exposed.

Ms. QUIST. Only 50 percent—

Senator BURNS. Wait a minute. They have all been exposed because they have run together one time, is that right, and they feed on the same ground?

Ms. QUIST. It's my understanding that sometimes the herds do not run together. There are three separate herds, and I do not know if all three herds do—

Senator BURNS. Let us just talk about the herd that wanders north that concerns the State of Montana.

Ms. QUIST. Well, there's two, I think.

Senator BURNS. Two. Would you say that all of them, when they run together, they feed on the same ground, that 100 percent have been exposed?

Ms. QUIST. I do not know that.

Senator BURNS. Well, I would say that is a pretty good—I would say that you could not deny that. Now of those that have been exposed, 50 percent so far that we have found on those that were slaughtered, 50 percent were reactors; is that correct?

Ms. QUIST. That's correct, they had antibodies for the disease.

Senator BURNS. In other words, they have the ability to pass it on.

Ms. QUIST. No. Only 12 percent had the ability to pass it on; 50 percent had—

Senator BURNS. That is wrong. You are wrong in that assessment.

Ms. QUIST. We have provided our documentation to support our statement.

Senator BURNS. Well, but I am going to say right now that that is—I just want to know. They have all been a hundred-percent exposed. We have all been exposed to whatever is in this room. Now, whatever is in this room, if we were tested, then there is only going to be a certain amount of reactors. Right now we have got a herd that by all—figure if I owned that herd up there, I'd say that half of them are carriers, or would be positive reactors to the disease; and they have the ability to pass it on. I'm incorrect on that?

Ms. QUIST. We do not agree with you on that, yes.

Senator BURNS. Okay, that's fine. That's good. I have no more questions on this. I have a question for Mr. Hammond, and I do not know whether you are up to speed on this, but I noticed in your negotiations with Canada, in our trade situation with Canada. Recently, the Montana Stockgrowers vetoed a trade agreement with Canada. I understand that part of the organization's decision was due to the fact that Canadian provinces wanted to eliminate having to test their cattle for brucellosis and tuberculosis before they were shipped into Montana because they do not have a free status. With this in mind, could you describe the impact that this has had on the livestock industry from a stockgrower's position? And you know where I'm coming from, I guess. Is that clear?

Mr. HAMMOND. I hope I know where you are coming from, Senator. At our recent convention a proposal has been put forth by a trade group from Montana and Canada. We are trying to get down the barriers between the various trade sectors here. There are sanctions, there are controls at the border up there and you have to meet as stringent or more stringent requirements at the border going in international trade as for State.

Canada is brucellosis and TB free. They are recognized as being free and they no longer have a testing or vaccination program up there. If we are to ask for free trade, if you will, between the Canadians and the Americans, we cannot meet those requirements when we are being exposed to that problem here in the State. We are asking that we be cleaned up so that we can go ahead with these negotiations, and so on. We are talking about free trade at a border.

Senator BURNS. In other words, but you vetoed the idea that they could move their cattle down here without testing.

Mr. HAMMOND. Basically I think there is a fear among our people, and I think justifiably, that if we bring animals into this State that have not been vaccinated, then that could possibly expose them in the Yellowstone area, as a prime example, and those animals could very possibly become carriers where they have not been vaccinated.

Senator BURNS. I guess there's some part of that I do not understand, but I'll visit with you about that later on. If they are certified free, though, I do not know why we could not accept their cattle. We are asking other States to accept us because we are certified free. That's what I'm saying. It's a double-bitted ax.

Mr. HAMMOND. That's what we do not want to get into, is that double-bitted ax where they say they are free and they are free. They look at it that we have an element of exposure down here.

Senator BURNS. Oh, I see. In other words, it's the livestock moving north, then.



Mr. HAMMOND. It's a case of having your cake and eating it, too. That is the position that it would put us in.

Senator BURNS. Okay. Thank you very much.

Senator GRAMS. Like if your child was not vaccinated for measles, to send him into an environment that had a possible carrier of measles, and they would be exposed and then become infected or carriers, is what you are saying; and then those cattle, in not being vaccinated, would be susceptible to being infected.

Mr. HAMMOND. That is right, and that's pretty much where our people are coming from.

Senator GRAMS. Just quickly, Ms. Quist, I do not have a question for you, but I would like to ask, you said you had documents and studies that would back up your assessment that the herd is not infected. Would you please submit those to the record for us?

Ms. QUIST. We will do that within the next 2 weeks, yes.

Senator GRAMS. Okay, very good. I'd like to go back and ask Mr. Hammond this question, and Dr. Siroky maybe could confirm this, but he said the herds in Yellowstone Park, the bison reflected what we would consider a seriously infected cattle herd by 50-percent exposure, 12 to 13 percent infected. Would it exhibit the same characteristics as a severely infected cattle herd in a private sector? I do not know if Mr. Hammond might want to answer that. Maybe Dr. Siroky could confirm that. So what I'm saying is they exhibit the characteristics of a severely infected herd no matter what the numbers that we are throwing around, 50 percent, 12 percent, 13 percent. Is that correct, Dr. Siroky?

Dr. SIROKY. That is correct.

Senator GRAMS. Mr. Hammond.

Mr. HAMMOND. I would defer to Dr. Siroky on that part of it. I will pass on that.

Senator GRAMS. Would you consider yourself just a special interest group and a small minority that should not be listened to in this? That's a leading question, I know. I just throw it out there.

Mr. HAMMOND. I would not consider us a special interest group, if you will, when you look at what the ranching industry contributes to the State of Montana from an economic standpoint and when you consider the fact that the dollar rolls over, that a live-stock dollar coming in from out of State rolls five to seven times by the time it gets out of the State of Montana. I would say that we're pretty vital to this State.

Senator GRAMS. I think that's what everybody in agriculture is facing. They have become 3 percent of the population and being looked at as just a small fraction, a special interest group, in comparison with the interests of other people; but when you look at the economic impact, it's a lot different.

Senator BURNS. Marcelle, do you think you are a special-interest group?

Ms. QUIST. I think that we represent all of the people who come to Montana and spend dollars to see the bison in the Park as well as the other people nationwide who want to see preservation of the national symbol.

Senator BURNS. Are you a special-interest group.

Ms. QUIST. Do we have a special interest in the bison? You bet.

Senator GRAMS. Thank you very much. I appreciate your testimony. Thank you. I know we are running real close to our time and we only have about a half-hour left, so we're going to try and expedite this process a little bit because we do want to hear some public comments plus we'd like to call up our last panel, Mr. Mike Fox, Gros-Ventre Assiniboine Tribes, Mr. Jules Marchesseault, who is the director of the Montana Farm Bureau Federation, Mr. Rich Day, Director of the Northern Rockies Natural Resource Center, National Wildlife Federation, and Mr. Jim Hagenbarth, chairman of the Montana Board of Livestock. Again, I apologize if I have slaughtered the name at all; but if you could restate your name and title for the Committee.

**STATEMENT BY MIKE FOX, MEMBER, GROS-VENTRE  
ASSINIBOINE TRIBE, FT. BELKNAP, MT**

Mr. FOX. Mr. Chairman, Senator Burns, my name is Mike Fox, a member of the Gros-Ventre Assiniboine Tribe of Fort Belknap. I'm also the director of the Fish and Wildlife Program. I'm a member of the board of directors for the Intertribal Bison Co-op, the ITBC. I appreciate this chance to provide comments on the buffalo in Yellowstone.

Senator GRAMS. Mike, if you could pull the mike in just a little closer so it makes it easier for the court reporter to hear. Thank you.

Mr. FOX. I appreciate the chance to comment on the buffalo in Yellowstone and also S. 745. I have had firsthand experience with the bison in Yellowstone. Twice this last winter I traveled to West Yellowstone and Gardiner to witness the spectacle of the bison herd being exterminated simply because they crossed an invisible line.

I went on behalf of my tribe and the ITBC to recover the animals killed by the Montana wardens to provide meat to the needy people and elders of our reservation.

It was with mixed emotions that I participated in the collection of the bison killed on those 2 days, but I was glad I was able to provide meat for our people from the 22 bison that we collected there. Bison has always sustained our people in a good way. At the same time, it was sad because I have actively been trying to enhance the buffalo herd on our reservation to better our economy and better way of life. The bison killed in Gardiner and West Yellowstone might have been a foundation for countless numbers of bison had they been able to live out their days on our reservation and other reservations throughout the United States.

As a representative of the Intertribal Bison Co-op and our 38 member tribes, it is our position that this unnecessary slaughter end. There are safe and effective and practical methods of dealing with this situation which would accord these bison with the respect they deserve and which would not involve the wholesale slaughter of significant portions, if not all the bison in Yellowstone National Park.

The ITBC is an intertribal organization dedicated to the restoration of bison to the daily lives of Native American people. This organization has worked 4 years to develop a rational and humane solution to this problem. The ITBC has presented numerous pro-

posals to solve this dilemma with the full cooperation of its four Native American tribes, but these proposals have met with silence by the Federal agencies involved.

We are aware of concerns which have been the genesis of S. 745, but there must be a significant alteration or refinement made to the procedures outlined in the bill if it is to have the effect of alleviating the problem.

Among our major concerns regarding this proposal are the following factors.

No. 1, these and all bison are wild animals and must be respected and maintained as such forever.

No. 2, the evidence of transmission of brucellosis from bison to cattle is not conclusive.

No. 3, even if the possibility of transmission is assumed, there are methods of prohibiting transmission without killing or quarantining every bison in the Park. Every effort should be made at nonintrusive control, with quarantine or killing being the last resort.

No. 4, this bill rejects or ignores the continuing probability of the disease being spread by the large outcurrents of the Yellowstone area.

No. 5, this bill only marginally provides for the involvement of Native American tribes in this effort. Tribal participation is widely recognized as an essential element in the resolution of this problem. Tribes must be formally recognized as full cooperators in this effort.

The tribes of the Intertribal Bison Cooperative are fully committed to participating in every manner possible to finding a solution to this problem which maintains the dignity of the buffalo nation. We are willing to assist in every step of the capture, testing and quarantine procedure. We are willing and able to place all disease-free bison coming from the quarantine with tribal projects to restore natural populations on reservation land bases. We are equally willing with the support of the other partners in this effort to pursue the funding necessary to undertake the quarantine project. In short, we are willing to expend every effort to make the humane capture, quarantine and dispersion of these animals a success.

This is the end of my prepared comments. I will be happy to discuss any questions later. Thank you.

Senator GRAMS. Thank you very much, Mr. Fox.

Jules.

**STATEMENT OF D. JULES MARCHESSEAULT, BOARD OF DIRECTORS, MONTANA FARM BUREAU FEDERATION, BOZEMAN, MT**

Mr. MARCHESSEAULT. Mr. Chairman, Senator Burns, for the record my name is Don Jules Marchesseault. I'm a third-generation rancher in the Dillon area, which is Beaverhead County and extends right up to the edge of the Yellowstone Park. Today I'm representing over 6,000 members of the Montana Farm Bureau Federation. I also serve on the board of directors of that organization.

First, I want to thank you and the Senate Energy and the Natural Resources Committee for coming to Montana and allowing the people affected by this legislation to testify. I might mention, too,



that I left the hay fields kind of short-handed, but I felt the importance of this. I just felt I had to come here to testify.

Farm Bureau supports Senator Burns' S. 745 because it would direct the National Park Service, the U.S. Department of Agriculture to manage the bison herds in Yellowstone National Park.

As I see it, those agencies should be looking at managing all the wildlife in the Park, not just the bison. Their numbers should be controlled to manageable levels in areas where they are numerous and conflicts occur. Farmers and ranchers have to control the number of animals they put on the public and private lands due to the available forage. Wildlife numbers should also be controlled.

Farm Bureau members are concerned because several States have already taken action requiring the testing for brucellosis of cattle from Montana; and at approximately \$14 per head it could cost close to \$20 million. Actually, about \$19,796,000 per year to test cattle being marketed out of Montana. That is money out of all Montanans' pockets. This issue has been studied for a number of years by several different organizations and groups. Currently the Greater Yellowstone Interagency Brucellosis Committee, or GYIBC, is studying the issue and have not come to any agreements or understanding as to how this problem should be handled. Well, it's high time somebody made a decision, and we are hoping that Congress will take the bull by the horns and instruct the agencies involved to accept their responsibility and not leave the management of the bison and other wildlife to just mother nature or the States.

Again, thank you for allowing me the opportunity to testify on behalf of the Montana Farm Bureau Federation. I will be glad to attempt to answer any questions. Thank you.

[The prepared statement of Mr. Marchesseault follows:]

PREPARED STATEMENT OF D. JULES MARCHESSEAULT, BOARD OF DIRECTORS,  
MONTANA FARM BUREAU FEDERATION, BOZEMAN, MT

Mr. Chairman, members of the Senate Energy and Natural Resources Committee, for the record, I am D. Jules Marchesseault. I am a third generation rancher in the Dillon area. Today, I am representing over 6,000 members of the Montana Farm Bureau Federation, of which I serve as a member of the Board of Directors.

Farm Bureau supports Senator Burns' bill because it would direct the National Park Service and the U.S. Department of Agriculture to manage the bison herds in Yellowstone National Park. Since bison are not the only carriers of Brucellosis, the elk are carriers as well, other wildlife in the Park should also be controlled. Farmers and ranchers have to control the number of animals they can put on public and private lands due to the availability of forage. Why should wildlife be any different? Their numbers should also be controlled to protect the range from long-term damage.

The many years of allowing mother nature to take its course, the over abundance of wildlife and the fires of 1988 have severely damaged the resource. For instance it is not natural for the bison, elk, deer, sheep and other wildlife to winter in Yellowstone. Before man entered the picture, these animals wintered from the Rocky Mountains clear across the Northern Plains. It is also not natural for man to move wolf pups or give them distemper and canine parvovirus shots to protect them. So what is natural about Yellowstone National Park? Old Faithful, the hot springs, the mud pots?

Farm Bureau members feel that since the wildlife utilizes private land for habitat, landowners should be compensated for actual expenses and losses, when such can be substantiated. Farm Bureau members also believe compensation should cover expenses incurred to test and treat cattle in and around Yellowstone Park when they come in contact with the bison and elk that leave the Park.

We draw the line on introducing the wolf into the ecosystem as a way of controlling the number of wildlife in the Park. This is not a viable alternative as far as

the farmers and ranchers are concerned. In the early part of this century, the wolf was eliminated because of the damage they caused to wildlife and livestock. If mother nature is allowed to take control and there is no attempt to control the number of wolves in Yellowstone National Park, we could see a population explosion which could be much worse than the present situation.

Another concern of farmers and ranchers is being able to market their livestock out of state. Several states have already taken action by requiring the testing for Brucellosis of cattle that come from Montana. If something is not done about the Brucellosis situation, other states could follow suit and at \$14 ahead, it would cost \$19,796,000 per year to test cattle being marketed out of the state. That is money out of every Montanan's pocket.

This issue has been studied by several organizations and groups with no resolution being found. Currently, the Greater Yellowstone Interagency Brucellosis Committee (GYIBC) is studying the issue. They are not having any better luck at resolving the problem than those who previously studied the issue. In fact, they couldn't even agree on their logo and letterhead.

In the hope of resolving this issue, the State of Montana filed a lawsuit against the Federal Government for failing to control bison migration from Yellowstone. Farm Bureau stands firmly behind the Governor in that decision because we believe it will force the federal government to uphold its responsibility. No one likes to go to court, but sometimes we are forced to. We believe it is about time the National Park Service and the U.S. Department of Agriculture take responsibility for the wildlife in Yellowstone National Park rather than leave the problem on the door steps of the states surrounding the Park.

Thank you for the opportunity to participate in this process.

Senator GRAMS. Thank you very much, and you finished on the green. Thank you, Jules.

Mr. Day, your testimony, please.

#### STATEMENT OF RICH DAY, ON BEHALF OF THE NATIONAL WILDLIFE FEDERATION

Mr. DAY. I have to rearrange here. I feel like with the National Wildlife Federation, feel like a wolf between the bulls or something. At any rate, I'd like to thank you for inviting me here to testify today and Senator Burns, as well. My name is Rich Day and I am here today to testify on behalf of the National Wildlife Federation, the nation's largest conservation education organization. I'm also testifying on behalf of the Montana Wildlife Federation, Idaho Wildlife Federation and Wyoming Wildlife Federation, our State affiliates in those three States bordering Yellowstone National Park. I serve as the Director of the Northern Rockies Natural Resource Center in Missoula, Montana, and I'm an employee of the National Wildlife Federation.

What often seems to be forgotten by those that call for solutions to the bison problem is that bison are indeed wildlife and are recognized as such by the States of Montana and Wyoming. The brucellosis issue has frankly been an artificial roadblock to managing this wildlife species. It is time we look for realistic and creative solutions for sustaining herds of bison in the Yellowstone area as well as other areas.

Brucellosis in wildlife and the possibility of transmitting this disease to domestic livestock has long been an issue in the Greater Yellowstone ecosystem and has escalated with the increase in the Park's bison population. In fact, transmission of brucellosis from bison to cattle under free-ranging conditions has never been documented. In addition, there has not been a scientifically verified infection of a human by brucellosis-infected wildlife. Since 1990, according to the State epidemiologist from Idaho, Idaho, Wyoming and Montana have reported three cases of brucellosis, one from

each State. One was contracted in Mexico and one was a relapse from an earlier infection. Although much concern has been expressed about the threat of brucellosis in wildlife, data does not support those fears. The newly elected Congress is constantly describing a new manner of evaluating the effects of environmental hazards on the American people. That method centers around risk assessment, the methodology that certainly applies in this situation. However, no one has documented a significant risk from brucellosis-infected wildlife to either the public that uses the lands of the Greater Yellowstone ecosystem or livestock that grazes this area. We certainly advocate for problem delineation and risk assessment before we craft solutions to a problem that is nearly risk-free.

NWF supports the work of the Greater Yellowstone Interagency Brucellosis Committee. We believe this group or this makeup of the appropriate experts is the proper form to propose and carry out the appropriate experiments to delineate the extent of this problem and propose solutions. In fact, the Governors of the States and the affected State and Federal agency heads have all endorsed this process. If Senator Burns wants to assist in developing the best solution to this problem, he would support the work of this committee and see to it that the appropriate Federal funds are allocated to support their efforts.

Possible solutions that should be explored include education of the real problems associated with brucellosis-infected wildlife; modification of livestock range use in times of that use in the Greater Yellowstone ecosystem to minimize contact with bison to eliminate any possibility of contracting the disease; and mandatory vaccination of all livestock utilizing the Greater Yellowstone ecosystem. S. 745 appears to us to force a solution on the public for a problem that may require only minor adjustments in current management techniques. We should understand the magnitude of the problem before we design such a drastic solution. We should determine if a problem even exists before we force a solution on all those who enjoy the lands and wildlife of the Great Yellowstone ecosystem.

We do support, however, the concept in S. 745 that calls for identifying locations outside the Park that would be suitable for sustaining herds of bison. There are several areas of public lands surrounding the Park that would accommodate excess bison in a free-ranging situation. We believe it is unrealistic to assume that free-ranging wildlife like bison can be contained within the boundaries of Yellowstone National Park. Currently both the States of Montana and Wyoming list bison as a game animal. We believe that bison, like elk and other free-ranging wildlife, need to be managed so their numbers do not exceed the carrying capacity of the land. By allowing bison to utilize areas outside the Park, State wildlife agencies can then establish realistic management goals for bison and use the tools at their disposal, including hunting, to maintain these populations. This concept is currently being used very successfully by the State wildlife agencies to control elk and other wildlife populations that utilize the Park and adjacent public lands.

NWF is certainly interested in the concepts being developed by the Intertribal Bison Cooperative for bison management on tribal



lands, and look forward to working with the cooperative in the future. However, we do not support the allocation of excess bison to private interests, especially for the purpose of creating commercial wildlife enterprises on private lands.

In conclusion, there is scant evidence to support the premise brucellosis endemic to Yellowstone National Park's wildlife is any significant threat to livestock or man. Brucellosis in Yellowstone's wildlife will continue to exist in spite of the Draconian measures embodied in S. 745 to try to eliminate this disease. Realistic solutions must be sought that include a true investigation of the risk of disease transmission, education, modification of times of livestock use on public land to avoid contact with bison, and mandatory vaccination of all livestock who have a possibility of contact with bison. The bison that inhabit Yellowstone National Park need and deserve to be treated like the wildlife species that they are rather than some form of livestock. Bison can and should be managed as our elk and other wildlife species; but to do so will require State and Federal agencies to broaden their thinking and allow bison to utilize adjacent and other public lands.

Thank you for this opportunity to testify.

[The prepared statement of Mr. Day follows:]

PREPARED STATEMENT OF RICH DAY, ON BEHALF OF THE NATIONAL WILDLIFE  
FEDERATION

My name is Rich Day, and I am here today to testify on behalf of the National Wildlife Federation, the nation's largest conservation education organization. I am also testifying on behalf of the Montana Wildlife Federation, Idaho Wildlife Federation and Wyoming Wildlife Federation, our state affiliates in those three states bordering Yellowstone National Park. I serve as the Director of National Wildlife Federation's Northern Rockies Natural Resource Center in Missoula, Montana.

What often seems to be forgotten by those who call for solutions to the bison "problem" is that bison are indeed wildlife and are recognized as such by the states of Montana and Wyoming. The brucellosis issue has frankly been an artificial roadblock to managing this wildlife species. It is time we look for realistic and creative solutions for sustaining herds of bison in the Yellowstone area as well as other areas.

WILDLIFE POPULATIONS

When thinking of Yellowstone National Park (YNP) and its surrounding lands, almost immediately two images appear in the public mind. One certainly is the image of geothermal activity, the other image is of the abundant and unfettered wildlife. One can easily imagine wildlife species free to use the Park and surrounding habitats and the numerous opportunities to view and study those wildlife species and how they have adapted to using this landscape. Americans have no monopoly on these images, for Yellowstone is truly a resource known to people across the globe as a geothermal and wildlife wonder.

The numbers of wildlife estimated to live in Yellowstone are truly impressive. Singer (1991) estimated a minimum population of 37,800 ungulates summer within the boundaries of Yellowstone National Park. This number is likely an underestimate because many species summering within the boundaries of Yellowstone are difficult to census. Taking a broader look at the Yellowstone Area, biologists have estimated about 56,100 elk, 29,500 deer 5,800 moose, 3,600 bison and 3,900 bighorn sheep live in the area (U.S. Fish and Wildlife Service, 1993). This estimate results in a total estimated ungulate population of 98,900 animals in the Greater Yellowstone. This number is certainly substantial and provides significant viewing, photographic, educational, and scientific opportunities to the public. These ungulate populations support a complete array of carnivore and scavenger species. These ungulates also provide significant hunting opportunities outside of YNP. Hunter harvest of ungulates from the Greater Yellowstone Ecosystem (GYE) averaged 14,300 ungulates per year during the 1980's (U.S. Fish and Wildlife Service, 1993). Game biologists from the states of Idaho, Montana and Wyoming estimate that all

ungulate herds have likely been stable or increased during the last decade. The bison herd within the GYE increased steadily during the 1980's (National Park Service, 1992).

#### VISITOR USE OF YELLOWSTONE

Visitors from all over the world spend about 9 million visitor days at developed sites in the GYE annually (GYCC 1987). Visitation in Yellowstone National Park has grown by 10% in the last 10 years. Ninety-three percent of Park visitors staying in the Park for more than one day reported wildlife viewing as their activity (Yellowstone National Park, 1992). The overwhelming majority of visitors to Red Rocks Lakes and the National Elk Refuge were engaged in non-consumptive wildlife recreation (Red Rock Lakes National Wildlife Refuge 1990, National Elk Refuge 1992).

#### DOMESTIC LIVESTOCK

Domestic livestock also utilize the habitats of the Greater Yellowstone Ecosystem. The mid-winter livestock census for the GYE estimates 230,00 cattle and 60,00 sheep for the region; other classes of livestock also occur. Annual production of calves (124,000) and lambs (57,000) are estimated from these census figures (U.S. Department of Commerce 1989). Multiple-use public lands in the GYE are open to grazing by domestic livestock. About 143,000 cattle and calves, about 265,000 sheep and lambs, and about 1,300 horses are grazed on national forests in the GYE. The total permitted livestock use on National Forest System lands is therefore approximately 409,000. Additional livestock are also grazed on Bureau of Land Management lands.

#### ECONOMIC ENVIRONMENT

As a percentage of total personal income in the GYE, farming and agricultural services have declined since the early 1970s. In 1990, this sector contributed only about 6% to total personal income in the region. Local services contributed about 40% and other industry contributed 20% to total personal income.

#### THE BRUCELLOSIS "PROBLEM"

Brucellosis in wildlife, and the possibility of transmitting this disease to domestic livestock, has long been an issue in the Greater Yellowstone Ecosystem and has escalated with the increase in the Park's bison population. In fact, transmission of brucellosis from bison to cattle under free-ranging conditions has never been documented (Williams, 1994). In addition, there has not been a scientifically verified infection of a human by brucellosis-infected wildlife. Since 1990, according to a state epidemiologist from Idaho, Wyoming and Montana have reported only 3 cases of brucellosis, one from each state. One was contracted in Mexico and one was a relapse from an earlier infection. Although much concern has been expressed about the threat of brucellosis in wildlife, data does not support those fears (Young and Nicoletti, 1994).

The newly-elected Congress is constantly describing a new manner of evaluating the effects of environmental hazards on the American people. That method centers around "risk assessment," a methodology that certainly applies in this situation. However, no one has documented a significant risk from brucellosis-infected wildlife to either the public that uses the lands of the Greater Yellowstone Ecosystem or livestock that grazes this area. We certainly advocate for problem delineation and risk assessment before we craft solutions to a problem that is nearly risk-free.

#### SOLUTIONS FOR THE BRUCELLOSIS "PROBLEM"

NWF supports the work of the Greater Yellowstone Interagency Brucellosis Committee. We believe this group, with its make-up of the appropriate experts, is the proper forum to propose and carry out the appropriate experiments to delineate the extent of this problem and propose solutions. In fact, the governors of the affected states and federal agency heads have all endorsed this process. If Senator Burns wants to assist in developing the best solution to this problem, he should support the work of this committee and see to it that the appropriate federal funds are allocated to support its efforts.

Possible solutions that should be seriously explored include education of the real problems associated with brucellosis-infected wildlife, modification of livestock range use and times of that use in the GYE to minimize contact with bison to eliminate any possibility of contracting the disease, and mandatory vaccination of all livestock utilizing the GYE.

S. 745 forces solutions on the public for a problem that may require only minor adjustments in current management techniques. We should understand the magnitude of the problem before we design such a drastic solution. We should determine if a problem even exists before we force a solution on all those who enjoy the lands and wildlife of the GYE.

#### MANAGEMENT OF BISON

We do support the concept in S. 745 that calls for identifying locations outside the Park that would be suitable for sustaining herds of bison. There are several areas of public land surrounding the Park that would accommodate excess bison in a free-ranging situation.

We believe it is unrealistic to assume that free-ranging wildlife like bison can be contained within the boundaries of Yellowstone National Park. Currently, both the states of Montana and Wyoming list bison as a game animal. We believe that bison, like elk and other free-ranging wildlife, need to be managed so their numbers do not exceed their carrying capacity on the land. By allowing bison to utilize areas outside the Park, state wildlife agencies can then establish realistic management goals for bison and use the tools at their disposal, including hunting, to maintain these populations. This concept is currently being used successfully by the state wildlife agencies to control elk and other wildlife populations that utilize the Park and adjacent public lands.

NWF is certainly interested in the concepts being developed by the Inter-Tribal Bison Cooperative for bison management on tribal lands and we look forward to working with the Cooperative in the future. However, we do not support the allocation of excess bison to private interests, especially for the purpose of creating commercial wildlife enterprises on private lands.

#### CONCLUSION

Scant scientific evidence exists to support the premise that brucellosis endemic to Yellowstone National Park's wildlife is any significant threat to either livestock or humans. Brucellosis in Yellowstone's wildlife will continue to exist in spite of the draconian measures embodied in S. 745 to try to eliminate this disease. Realistic solutions must be sought that include a true investigation of the risk of disease transmission, education, modification of times of livestock use on public land to avoid contact with bison, and mandatory vaccination of all livestock that would have a possibility of contact with bison.

The bison that inhabit Yellowstone National Park need and deserve to be treated like the wildlife species that they are, rather than some form of livestock. Bison can and should be managed, as are elk and other wildlife species, but to do so will require state and federal agencies to broaden their thinking and allow bison to utilize adjacent and other public lands.

Thank you for this opportunity to testify.

Senator GRAMS. Thank you very much, Mr. Day.  
Mr. Hagenbarth.

#### STATEMENT OF JIM HAGENBARTH, CHAIRMAN, MONTANA BOARD OF LIVESTOCK

Mr. HAGENBARTH. In the interest of time, I'll brief my comments and ask that you look the document over.

Senator GRAMS. We understand.

Mr. HAGENBARTH. Thanks for coming. This is a lot better than going to Washington for us. My name is Jim Hagenbarth. I'm chairman of the Montana Board of Livestock. Today I'm testifying as a representative of the livestock industry and as an individual representing a family ranching operation that is based in southwestern Montana and southeastern Idaho. Our family has been involved in the livestock industry in Montana since the late 1860's and in Idaho since late 1880's.

In 1930, the Federal Government and the livestock industry began a program to eradicate brucellosis to protect the general public, ourselves and our livestock. After spending billions of dol-



lars, sacrificing millions of cattle and working 60 years, this disease is nearly eradicated from the United States. Based on the success of the brucellosis eradication efforts in domestic bison and in bison in other parts and the responding disappearance of brucellosis from the resident elk herds, it is irrational and unacceptable to discontinue the eradication efforts at the boundaries of Yellowstone National Park and in the Greater Yellowstone area.

In a study on game farming, the Montana Department of Fish, Wildlife and Parks asked a panel of wildlife experts to evaluate the importance of these disease transmissions from game farm and ranch animals to wildlife and vice versa. Eight of 10 panelists believed that wildlife can serve as a source of infection for game farms and ranches. When asked to rate disease and parasites with the great potential infection rate, tuberculosis was unanimously rated number one; and 8 of 10 panelists rated brucellosis number 2.

In the last few years, two cases of undulant fever in elk hunters have been diagnosed. Both hunters had field-dressed elk in the Ennis area, which lies in Montana 40 miles northwest of the Park.

When Montana became free of brucellosis and Idaho still had some infection, our family was required to test our entire herd to move from deeded land in Idaho to deeded land in Montana. This movement of livestock had historically occurred for over 90 years. We have not forgotten all the sacrifices made and we do not want to ride that trail again. The cure for brucellosis is a tough pill to swallow, but our industry has taken its medicine and we do not want to repeat the treatment.

Since the fires in Yellowstone, we have all become aware of tremendous populations of elk and bison that have eaten themselves out of house and home and are migrating to range outside the Park. These populations are the result of the natural regulation policy used by the Park since the 1960's. Today there are estimates as high as 95,000 free-ranging elk and 4,000 free-ranging bison in the Greater Yellowstone area. To exclude man from natural regulation is not natural. Somehow, someplace and sometime domestic livestock transmitted brucellosis to either bison in the Park or to bison introduced into the Park. Often we hear that it has never been proven that brucellosis can be transmitted in the wild from bison to cattle. In controlled conditions, it has been proven that brucellosis can be transmitted between bison, cattle and elk. This fact is what is important. If brucellosis cannot be transmitted in the wild to susceptible species, then why do over 50 percent of the Park bison test positive for the disease?

The refusal of the Park Service to address their problems about bison and brucellosis is beginning to affect the physical and economic welfare of the surrounding neighbors. Last year five separate bison moved west out of the Park into Idaho. 2 were harvested over 40 miles into Idaho and one within a mile of our cattle. If brucellosis was found in our herd, it would certainly mean financial ruin for this family operation. For 30 years the Park has refused to address this disease, and the liability to the Park's neighbors caused by brucellosis is becoming a burden too heavy to bear. We need relief and S. 745 requires the Park to initiate the action that is necessary to begin eradicating brucellosis from the Greater Yellow-

stone area. The livestock industry, the Montana Board of Livestock, my family, myself support Senator Burns' proposed legislation. We ask this committee for their support to clear the path so this disease can be eradicated from the Greater Yellowstone area and from this Nation for the good of all. Thank you.

[The prepared statement of Mr. Hagenbarth follows:]

PREPARED STATEMENT OF JIM HAGENBARTH, CHAIRMAN, MONTANA BOARD OF LIVESTOCK

My name is Jim Hagenbarth and I am Chairman of the Montana Board of Livestock. Today I am testifying as a representative of the livestock industry and as an individual representing a family ranching operation that is based in southwestern Montana and southeastern Idaho. Our family has been involved in the livestock industry in Montana since the late 1860's and in Idaho since the late 1880's.

In the 1930's the federal government and the livestock industry began a program to eradicate brucellosis to protect the general public, ourselves and our livestock. After spending billions of dollars, sacrificing millions of cattle and working sixty years, this disease is nearly eradicated from the United States. It only remains as a threat in around 100 domestic livestock herds and in the bison and elk populations around the Greater Yellowstone area. There is no question that brucellosis in the remaining infected cattle herds will be eradicated. Based on the success of the brucellosis eradication efforts in domestic bison and bison in other parks and the responding disappearance of brucellosis from the resident elk herds, it is irrational and unacceptable to discontinue the eradication efforts at the boundaries of Yellowstone National Park and in the Greater Yellowstone area. This effort will be a challenge, but it is clearly attainable and will bear rewards not only for the general public and the livestock industry and their families, but also for the wildlife that suffer from the effects of this disease.

In a study on game farming, the Montana Department of Fish Wildlife and Parks asked a panel of wildlife disease experts to evaluate the importance of disease transmission from game farm/ranch animals to wildlife and vice versa. Eight of ten panelists believed that wildlife could serve as a source of infection for game farms/ranches. When asked to rate diseases and parasites with the greatest potential infection rate, tuberculosis was unanimously rated number one and eight of ten panelists rated brucellosis number two. In the last few years two cases of undulant fever in elk hunters have been diagnosed. Both hunters had recently field dressed elk in the Ennis area which lies in Montana 40 miles northwest of the Park.

On our family's livestock operation the cattle are wintered in Montana and summered in Idaho and consequently are moved seasonally. This subjects us to the animal health regulations of Montana, Idaho and the federal government. When Montana became free of brucellosis and Idaho still had some infection, we were required to test our entire herd to move from deeded land in Idaho to deeded land in Montana. This movement of livestock had historically occurred for over 90 years. After two years and two complete herd tests we knew more about our cattle from a brucellosis standpoint than any producer in Montana. With this knowledge we convinced the Montana Board of Livestock that our cattle were not a brucellosis threat to the state's livestock. To come into Montana without a test we were required to raise all our replacement females, run our livestock under fence, not commingled with any other cattle, all the adult females must have been brucellosis vaccinated and all the heifer calves had to be calthood vaccinated. This exercise, even though our cattle were never exposed to an infected herd, was frustrating, hard on the livestock and expensive but absolutely necessary to protect class free status which allows free flow of cattle between disease free states. All but a few states are now class free and total eradication is expected by 1998. We have not forgotten all the sacrifices made and we do not want to ride that trail again. I cannot imagine how those ranchers felt that had infected herds and cleaned up their herds via test and slaughter or total herd condemnation. The cure for brucellosis is a tough pill to swallow, but our industry has taken its medicine and we don't want to repeat the treatment.

Since the fires in Yellowstone, we have all become aware of the tremendous populations of elk and bison that have eaten themselves out of house and home and are migrating to range outside the park. These populations are the result of the "natural regulation" policy used by Park management since the 1960's. This policy is not returning the resource to an ecological condition reported by the first observers. Between 1835 and 1876, 20 parties spent 765 days traveling through the Yellowstone ecosystem and reported seeing bison only three times and elk on the average of one



every 18 days. In addition, there was no report in these personal journals of seeing or killing a single wolf (Kay 1994). Today there are estimates of as high as 95,000 free ranging elk and 4,000 free ranging bison in the Greater Yellowstone area.

To exclude man from "natural regulation" is truly not natural. There is no question that Native Americans had a tremendous impact on the wildlife numbers and ecology of the Yellowstone area and their presence was certainly natural. Man today has the capability to ecologically devastate the environment if we act irresponsibly, but we also have technology and tools not available to our native predecessors that enable us to use the resource base in productive, sustainable and ecologically sound ways for the good of the resource and the Public Trust.

Somehow, someplace and sometime domestic livestock transmitted brucellosis to either bison in the park or to bison introduced into the park. Often one hears that it has never been proven that brucellosis can be transmitted in the wild from bison to cattle. In controlled conditions it has been proven that brucellosis can be transmitted between bison, cattle and elk. This fact is what is important. If brucellosis cannot be transmitted in the wild to susceptible species, then why do over 50% of the park bison test positive for brucellosis and the northern elk herd have an infection rate of over 1%?

The refusal of the Park Service to address their problems with bison and brucellosis is beginning to affect the physical and economic welfare of the surrounding neighbors. The courts have indicated that the Park is not accepting their responsibility, the Park has refused to work with APHIS to eradicate brucellosis, the Park forces Montana to shoulder the majority of the burden of migrating diseased bison and Montana has had to seek remedial legal action. Importing states are so nervous about potential infection that many have placed restrictions on Montana cattle costing producers much needed income. Last year five separate bison moved west out of the Park into Idaho. Two were harvested over 40 miles into Idaho and one within a mile of our cattle. All five bison tested positive for brucellosis. Four of the five bison had to have been in contact with cattle to get where they were. If our cattle were to have come into contact with any one of these bison, we would have had to test before moving to Montana at a minimal expense of at least \$10 per head. If brucellosis was found in our herd it would certainly mean financial ruin for this family operation. Since Montana and Idaho are class free, an infected herd would have to test clean in a very short time. In a herd with an infection rate of less than 5% it will take on the average of seven herd tests to clean up and tests have to be thirty days apart. Because this herd moves between two states, it would have to be condemned or both states would have to revert to class A status. Condemnation would cost this business well over one million dollars for replacement and status change would cost producers in both states millions of dollars annually because testing would be required for all changes of ownership of test eligible cattle.

Brucellosis is for real in the Greater Yellowstone area. Brucellosis is infectious to humans, wildlife and livestock. Brucellosis infected bison migrating from the Park are placing a financial burden on Montana's livestock industry. Brucellosis infected elk are becoming a threat to hunters in Montana. For thirty years the Park has refused to address this disease and the liability to the Park's neighbors caused by brucellosis is becoming a burden too heavy to bear. We need relief and Senate Bill 745 requires the Park to initiate the action that is necessary to begin eradicating brucellosis from the Greater Yellowstone area. The livestock industry, the Montana Board of Livestock, my family and myself support Senator Burn's proposed legislation. We ask this committee for their support to clear the path so this disease can be eradicated from the Greater Yellowstone area and from this nation for the good of all. Thank you.

[Attachment.]

#### SUPPLEMENTAL STATEMENT OF JIM HAGENBARTH

Dear Chairman Nighthorse Campbell and members of the committee, my name is Jim Hagenbarth and I am chairman of the Montana Board of livestock. I am submitting additional testimony to enable the Committee to better understand the brucellosis and bison situation in Yellowstone National Park and the Greater Yellowstone area. This testimony is in response to questions asked and responses given at the recent field hearing held in Helena, Montana.

Mike Finley, the Superintendent of Yellowstone National Park, was asked how many bison should be in the Park. Mr. Finley indicated that there was no habitat damage based on scientific studies and he was not aware of a way to determine true carrying capacity. One week before this hearing I met with two different riparian experts on our cattle allotment which lies in Idaho, only 40 miles west of the Park. We are currently doing an environmental assessment for grazing on this allotment.



These gentlemen indicated the grazing resource in the Park was in deplorable condition and did not compare to the health of our range resource which we have been grazing since the late 1880's. Later in the week I inventoried the 17 monitoring sites used to assess long term condition of this range resource. On Tuesday, July 25, I visited the West Yellowstone area and a portion of the Park around the West Entrance to analyze the Montana Department of Livestock's responsibility of managing the migration of diseased bison into Montana. This gave me an opportunity to analyze both range resources which are similar in location and vegetative type. I was disappointed in the range conditions that I saw in the Park. If our allotments were in the same condition we would be in serious conflict with the Forest Service and BLM grazing standards and guidelines. The Secretary of the Interior seems to have a double standard when managing Park land.

The Forest Service, BLM, Soil Conservation Service, the state based Agricultural Extension Services, and private consultants are used by the livestock industry to apply the current range sciences to help us better manage our range resources. The most important decision made every year is the proper capacity of the range based on historical use, utilization patterns, condition of the range resource and long term trend. The tools of range science help us make these decisions. The Park management ignores this science and these range experts because it reveals the fallacy of "natural regulation", the overpopulation of elk and bison and the deteriorating condition of the range resource and wildlife in Yellowstone. The Park manages bison numbers by starvation. These animals starve because the range resource has been damaged by too many numbers for too long. Not only do these diseased animals infect our herds with brucellosis, but mere numbers makes it extremely tough for the surrounding land managers, whether federal, state or private, to manage the contiguous range resources, especially as it relates to elk. Contrary to Mike Finley's testimony, the Park is overgrazed and there are sound range science tools which can be used to determine proper range capacity.

Superintendent Finley testified that he has trouble explaining to his environmental constituents that bison are seriously infected with brucellosis and pose a threat to livestock when only 11% are cultured positive for the disease. This statement truly reflects the ignorance of Park management and the environmental community about the disease and its threat to wildlife and livestock. A positive blood test indicates that an animal sometime during its life has been exposed to brucellosis. In Yellowstone Park bison, which have not been vaccinated, a positive test indicates the animal has been exposed to the actual disease. In vaccinated cattle, the vaccine can cause a blood titer that is the result of vaccination and not actual exposure to the bacteria. The only way to determine that this positive reaction is the result of vaccination is to take tissue samples from the suspect and try to culture the brucella abortus bacteria under lab conditions. Since brucellosis is nearly eradicated from cattle and most cattle are vaccinated, positive animals are most often the result of vaccination. If one cow cultures positive to brucellosis, the whole herd is considered exposed and all positive animals are slaughtered until no more can be found on subsequent tests or the whole herd is condemned.

In an unvaccinated herd such as the Park Bison, what is important is the presence of positive animals. Positive animals in an unvaccinated herd indicates exposure to active disease. Culturing the disease out of the positives substantiates that the disease is present in an infectious mode. The percentage of positive cultures is not particularly significant unless it is zero. Since the brucellosis bacteria can actively reside in different tissues of the body, to get a positive culture you must select the right tissues and get a biopsy from those tissues that has actively growing brucella bacteria and get this bacteria to grow under lab conditions. Having a negative culture from a positive animal does not necessarily mean the animal is not diseased, the infection could have easily escaped detection. Having an 11% positive culture for brucellosis in any population is epidemic, in a livestock herd one culture positive will spell economic disaster in a class free state.

Senator Grams asked for the estimated costs of eradicating brucellosis from the Park and the costs to the livestock industry if it were not eradicated. This question was not answered. The only cost estimates available to eradicate brucellosis from the Park were submitted in an eradication plan developed by James D. Knight, PhD., the extension wildlife Specialist for Montana State University. This estimate was made in December of 1994 and involved a five year eradication effort with a total expense of \$2,210,000. A copy of this proposal is attached to this testimony for reference. This seems like a small amount and a simple plan, but one must remember how complicated and expensive things get when government and bureaucracies become involved. APHIS and the livestock industry has eradicated brucellosis from millions of cattle in thousands of herds that occupied millions upon millions of acres. 4,000 bison in two million acres seems a small task and in the winter these animals

only occupy a few thousand acres. The Park Service says these bison are wild, but in reality they see more people and are around more activity than most domestic bison are ever subjected to.

Dr. Siroky, the Montana State Veterinarian, testified that it is not a matter of whether domestic cattle will become infected with brucellosis from bison, but when. Over one million calves each year are vaccinated for brucellosis in Montana, Idaho and Wyoming at a cost of ten million dollars. As long as there is brucellosis in Yellowstone, vaccination will have to continue. If Montana, Idaho and Wyoming lose their free status, it will cost the cattle industry \$27 million per year in change of ownership testing alone. In a report to the Montana Board of Livestock in 1992, the State Veterinarian, Dr. Don Ferlicka, estimated the cost of testing an average herd of 144. If the infection rate in a herd was less than 5%, it would take an average of seven herd tests to eliminate infection. If the herd infection rate was greater than 10%, it would take 28 herd tests. If brucellosis spread occurs outside the index herd before detection through surveillance, then there is potential to transmit the disease to more than 24 states. If only one herd in each state is exposed, then 24 additional herds must be traced and tested. Under this scenario, a cost of \$480,000 is the minimum an infected state would spend to eradicate the disease. This could increase to \$5,700,000 per state and if 24 states were included, a total cost of \$136,800,000 would be incurred. Dr. Ferlicka's model illustrates how expensive brucellosis can be, how stringent the UMR is, and how much of a threat brucellosis-infected bison pose to the cattle industry. In a 1989 testimony before a subcommittee on National Parks and Public Lands, Dr. Ferlicka testified "the consumer has benefitted by a factor of 26 for every dollar spent on the program in the form of saving for the beef they purchase". For your information and the record I will attach a paper presented at the National Brucellosis Symposium in September of 1994 that identifies in depth the impact of brucellosis to the cattle industries of the Greater Yellowstone area.

I believe that the explanations above will help clarify previous testimony and answer questions asked at the hearing in Helena. I again urge the committee to support Senate Bill 745 to force the Park to accept their responsibilities and cooperate in cleansing the nation of this disease. Thank you.

Senator GRAMS. Thank you very much, Mr. Hagenbarth. I'd just like to ask you a couple of quick questions. Are you saying basically that it's commonsense that if it can be done in controlled situations, it can be done in the wild, and that is transmission of the brucellosis disease from bison to cattle?

Mr. HAGENBARTH. Oh, sure.

Senator GRAMS. I know we as a society accept it when scientists tell us that you can inject cancer-causing substances into rats at 10,000 times the doses that a human would consume them, but yet we accept that as fact that it's a cancer-causing material but yet here we're denying commonsense what is being proven in control situations.

Mr. HAGENBARTH. That's exactly right.

Senator GRAMS. Mr. Day, I'd like to ask you, you know, there are disease-free herds that do exist, of bison. Don't you think it would be commonsense and in the best interest of all concerns if the National Park Service herd was pronounced as disease-free, to take that step? I mean, if it's possible in some it should be possible here.

Mr. DAY. I'm not sure that that is going to actually make a difference. The information that I have that I have seen is that you do have brucellosis incidence in elk. What are you going to do with a hundred-thousand elk in the Park, sir? You're going to have the same problem that you're going to have back again by eradicating the bison. That's part of my testimony. I think that eradicating the brucellosis carriers of bison in the Park is not going to solve the problem. I think there is a problem with brucellosis in there. I do agree with that, and we have actually supported in the past some management measures. Jeanne-Marie from the Greater Yellowstone Coalition, I was part of that in another capacity of supporting



that type of operation; but I think it's a Draconian measure to go in and eradicate all bison in the Park and replace them with disease-free bison.

Another fact that elk play is that what we were talking about, if I understand the testimony correctly, is that bison that are in the Park are really the remnants of the last bison that were left on the Plains, at least in this area, so I think there is a historical significance there, as well.

Senator GRAMS. Would you agree there are areas of conflict?

Mr. DAY. Oh, absolutely.

Senator GRAMS. It seemed in your testimony, and correct me if I'm wrong, but you seemed to be putting the burden on the ranchers and you said that they should control their grazing in areas where they would not get a conflict at certain times of the year; so in other words, do not put your cattle in your pastures if the bison happen to be there, so it's up to the rancher to keep them out and also for the rancher to vaccinate. So would you believe the burden is on the rancher and not on the National Park Service and their management?

Mr. DAY. I think the burden is on all of us, sir. I think we all have a part in this to play. As I testified, I think we have some opportunities to let bison out of the Park and do some controlled hunts and some other situations to manage the size of the herds. I do think that there is a responsibility of those—It's just like my child, I'm worried about measles. I do inoculate my child. If I'm worried about my child to have tuberculosis, I do inoculate them. I think that is the responsibility of those that are concerned.

Again, the evidence is lacking about the transmission of brucellosis to cattle in a free-ranging situation. I think there are some minor things that can be done. We're talking about times of use on there, and it may not be perfect; but I think there are some things that should be tried before we go into a situation where we go in and take all the Park bison and test them, and what have you, as this bill proposes.

Senator GRAMS. Jules, there seems to be, and I think everybody would agree that if everybody could sit down at the table and work this out, there could be a plan. Do you think that's possible or are you close to working out a plan that everybody can agree on that cattlemen can survive?

Mr. MARCHESSEAULT. Personally, I really do not think so unless some of these Federal agencies, including the National Park Service—I think there's going to have to be some more cooperation on some parts of some of these other agencies. I do not think the livestock industry, agriculture in general, should have to shoulder the whole burden of this problem because it's not our problem. It's everyone's; but, I mean, it's the Park Service's primary problem because the wildlife are residing in the Park and I think they should take the primary responsibility. We are glad to work with them, but I think they are going to have to take the lead with that.

Senator GRAMS. Cooperate.

Mr. MARCHESSEAULT. Cooperate, yes.

Senator GRAMS. Mr. Fox, just a couple of quick questions and then I'll turn this over to Senator Burns. Even Mr. Day agrees that any management plan may include controlled hunting that could



mean the slaughter of some of the bison, and you talked about wholesale slaughter of 22; and out of 3700-plus, I do not think that's wholesale slaughter.

Mr. FOX. No, that was just our part we played. The wholesale slaughter, at least contained in the current bill, would be within the next 4 years. You'd see a minimum of 2,000 animals slaughtered by December 31, 1998.

Senator GRAMS. What does the Tribe do to control brucellosis on the reservation and do not you think the Park Service should do the same in its management? What measures do you take?

Mr. FOX. In 1974, we obtained a disease-free herd from Moise; and, of course, they obtained that disease-free status through management. I believe there is some management that has to take place and it's going to have to be either boundary fences or capture facilities because it's not truly a natural system, anyway. To be a natural system, you would have to reintroduce the Indians into the Park.

Senator GRAMS. So you are saying that by the name of free-roaming, that there are objections to fencing? Then you are not free-roaming.

Mr. FOX. No, free-roaming and free-range as possible. This is a different day and age now. We can't have it like it was 150 years ago.

Senator GRAMS. Would that take away the respect that the bison deserve, according to Mr. Day, if you fenced them in?

Mr. FOX. We are not fencing them in. We are fencing the cattle out.

Senator GRAMS. Mr. Fox, did you say that your herd is now infected with brucellosis?

Mr. FOX. No, we have a disease-free herd. We received them and we have kept them that way by maintaining their integrity. Our buffalo get out on occasion. Anyway, the behavior we have seen, there's absolutely no desire to commingle with the buffalo or the cattle, or each other, rather.

Senator GRAMS. Thank you very much.

Senator Burns.

Senator BURNS. While you have the mike there, Mike, how many buffalo did you get from Moise? Do you remember what the original number was?

Mr. FOX. Originally we got approximately 15 animals.

Senator BURNS. How many do you have now?

Mr. FOX. 270, total.

Senator BURNS. When did you receive that first shipment from Moise?

Mr. FOX. 1974, with an additional shipment of 12 animals from Teddy Roosevelt in North Dakota.

Senator BURNS. You have some from Teddy Roosevelt, too?

Mr. FOX. Right, and some additional breeding stock throughout the years.

Senator BURNS. I am concerned, Mike, whenever you go up to a Federal agency and you ask them to participate in their program, that you would be able to take some of these buffalo off their hands, especially when you have got a situation maybe where the

concentration is too high. Tell me about that relationship. They just ignore you completely?

Mr. FOX. Well, the different plans we have proposed have met with indifference, pretty much, and we have the plan as proposed here with Mark Heckart as executive director of our Intertribal Bison Cooperative, and you have the plans that would be available for the record. They are attached to our testimony.\*

Senator BURNS. Fine; and I would imagine that—I have heard Mr. Day saying that you want to help the animals, the ones that test negative, to move out to the reservation; is that correct?

Mr. FOX. Once they have passed quarantine.

Senator BURNS. Okay, passed quarantine. They know how to do business. They are doing it right.

Mr. FOX. I'm just like anyone else. I do not want to bring diseased animals in.

Senator BURNS. That is exactly right; and I do not want to, either. Along with that, in your plan how do you suggest distribution, say, to your intertribal agency? In other words, how are we going to know which reservation do these animals go to? How do they distribute them?

Mr. FOX. They would have to meet a criteria, whether they would be able to handle them by the acreage available, the fences, the handling facilities. They would have a whole criteria set up.

Senator BURNS. In other words, you have made some determination that the receivers of those animals have not only the range but range conditions to carry those animals.

Mr. FOX. Exactly. We receive animals from Wind Cave, right, and we go through that procedure already. We distributed last year 63 animals to various reservations through the process of they have to meet the criteria and we have a board that screens them.

Senator BURNS. I would say that was responsible and I congratulate you. I think that is a correct approach, and I congratulate you on this.

Mr. Day, you say just a little change in management techniques could probably deal with this problem or perceive the problem, as you like to put it, and you call this very Draconian and maybe it is Draconian. Maybe we have to do some Draconian things to get anybody to move an inch. If you say it takes a few management techniques to be changed and they never come, what other alternative would you suggest?

Mr. DAY. Well, I think this hearing today is doing a lot. That's one thing that you and I will agree on, is that I have been involved in the bison issue since 1987 or 1988, and I am as frustrated as a lot of other people in this room about that. Specifically, supposedly the committee working on the recommendations for how to deal with bison, and Jeanne-Marie, again, mentioned that there was cooperation with conservationists, landowners, Park Service, to develop a proposal that has gone nowhere. I'm as frustrated as anybody and I would like to see why that is not going anywhere.

Senator BURNS. You see, I have no problem with dealing with our problems in a local setting and all the interests go to the table and get together and then put it into action; but if it never comes,

\* Retained in subcommittee files.

I guess that is what frustrates me, and that is why we introduced this legislation, that is why we are having this hearing today and we will take some more testimony here in a little bit. But I want to make it very clear. It is not that we are going to represent one side or the other. What we are looking for is fair here. What we are looking for is fair because we know there is economics, there is an economic impact on one side. There is also economic impact on the other side. If you take all the buffalo out of the Park, I think we would suffer some economic damage in that Park.

Mr. DAY. And some other damage, as well.

Senator BURNS. I agree with that, and wholehearted. Could not agree with it more. But when nothing happens, and I think we have already gone over that, this is the only other way we have to deal with the situation and you make things, and it is just like I want to work with the six suggestions that was made by the director of Fish, Wildlife and Parks here in Montana. I think there is some valid concerns there and I think we should take—because this thing will change as it moves its way through, and we hope we can accommodate all the interests that are involved here. We thank you for coming, and that is all the questions.

Mr. DAY. Senator, if I may, I'd like to correct one thing I think you, Senator Grams, mentioned earlier about the hunting. What we advocate in a hunting situation is not what we had in Montana in the past, where they crossed the line and got shot. We do not advocate that as an organization or do these three organizations, our affiliates, advocate that. What we advocate is a situation like we have with elk now, where they are allowed to come out of the Park, the Fish, Wildlife and Parks or Wyoming Game and Fish manages that herd as a population with carrying capacity, and what have you, and that's actually in my written testimony. But I wanted to clarify that issue. We believe that hunting is a legitimate tool, not crossing the border and to shoot them.

Senator GRAMS. That is what I referred to, or meant, as well. I thank you very much; and Jules can get back to the heat fields.

That is the end of our panels, but we do have five people who would like to present some oral testimony today, as well, in our open-mike segment. Dr. Bob Hillman, Idaho State Veterinarian and also Stan Frasier, if they would come to the table. Again, I would remind them that we will allow 2½ minutes for your statements; and if you have additional written testimony that you would like to submit to the committee, that will be submitted in its entirety. Thank you very much.

Bob Hillman, 2½ minutes. We will start with Dr. Bob Hillman, and then, Mr. Frasier, we will go to you; and if you would respect the time of 2½ minutes.

#### STATEMENT OF DR. BOB HILLMAN, IDAHO STATE VETERINARIAN

Dr. HILLMAN. Thank you, Mr. Chairman, Senator Burns. My name is Bob Hillman. I am the State Veterinarian for the State of Idaho. I'm also the administrator of the Division of Animal Industries. I'm testifying here today on behalf of the Idaho Department of Agriculture and the Idaho cattle industry. I am speaking in support of S. 745. I'm also a member of the Brucellosis Committee of



the U.S. Animal Health Association and a member of the Executive Committee of the Greater Yellowstone Interagency Brucellosis Committee.

I'd like to discuss very briefly several points that are discussed at more length in my written testimony. My historical perspective, we know that brucellosis has existed in the Yellowstone Park since 1917 in bison and, in 1931, in elk. Research and various studies have proven beyond any reasonable doubt that the organism, *Brucella abortus*, in bison in the Greater Yellowstone area is in fact the same organism that we find in cattle, or did find in cattle in the three States. Research has proven beyond any reasonable doubt that the disease can be transmitted among bison, elk and cattle and at about the same interval of transmission.

We have heard a number of people talk about the lack of proven transmission in the wild. There's some very specific reasons we have not seen more transmission in the wild. One is the numbers of bison. In 1966, there was less than 400. Now there's over 4,000, somewhere between 3,600 and 4,500. The numbers alone would indicate that the risk of transmission has increased. Why have not we seen it? Very simply because the livestock associations or the livestock industries of the three States and the animal health agencies in the three States and the wildlife agencies in the three States have worked diligently to remove the risk when those animals left the Park. That's one of the problems.

We also believe very strongly that we have an impediment to progress with the Greater Yellowstone Interagency Brucellosis Committee. I have high hopes and I think everyone on that committee agrees that we should be able to solve the problem; but it's our contention that the NEPA process is slowing the progress down. It's taken much too long to study and look and try to plan instead of doing anything.

I'd like to make two brief comments on the bill, itself. We believe and we would recommend that the bill be amended to include bison in the Grand Teton National Park. We also agree with others who have stated that the issue of elk brucellosis is a major problem. It is a different problem than the problem in elk. We believe that it can be handled through management plans developed in conjunction with this test.

Mr. Chairman, Senator Burns, thank you for the opportunity to testify on this matter.

[The prepared statement of Mr. Hillman follows:]

PREPARED STATEMENT OF DR. BOB HILLMAN, IDAHO STATE VETERINARIAN

My name is Dr. Bob Hillman. I am the state veterinarian for the state of Idaho and the administrator of the division of animal industries, Idaho Department of Agriculture. My office is in Boise, Idaho. Thank you for the opportunity to present testimony on this important issue. I am speaking for the Idaho Department of Agriculture and the Idaho cattle industry. We are in favor of S. 745. We would prefer to see solutions to the problem of brucellosis in the greater Yellowstone area without legislative action. However, the long history of this problem and the current lack of progress suggests that resolution cannot be achieved without legislation or litigation.

HISTORICAL PERSPECTIVE OF EFFORTS TO ADDRESS BRUCELLOSIS IN YELLOWSTONE  
NATIONAL PARK

Brucellosis in wildlife of Yellowstone National Park (YNP) and the Greater Yellowstone Area (GYA) is a problem of long standing. The disease has been known to exist in YNP bison since 1917 and elk since 1931. The source of brucellosis in YNP bison and elk will never be known. Tunnick and Marsh (1935) speculated that the disease was contracted from cattle that were maintained on part of the buffalo ranch until 1919.

There have been numerous efforts to control this disease in YNP bison. National Park Service (NPS) policy, until 1966 was to cooperate with the U.S. Department of Agriculture in brucellosis control activities. Testing, vaccination of calves and slaughter of reactors was periodically accomplished in the northern bison herd from the 1930's through the 1960's. From 1962 through 1966 some bison were trapped and tested in other YNP bison herd units. Some bison were also captured and removed from YNP without testing. These capture and testing procedures were carried out as part of herd reduction efforts. In 1964 USDA regulations were put into effect that prohibited the live shipment (except to slaughter) of bison from herds known to be infected with brucellosis. Since 1966, no bison herd reduction programs or brucellosis testing or control programs have been conducted in YNP. Communication between USDA, Department of the Interior and Montana, Wyoming and Idaho animal health officials continued through 1972.

Efforts to find solutions to the wildlife brucellosis issue were renewed in 1988 with the formation of the ad hoc committee on brucellosis in the GYA. This committee was successful in answering a number of questions regarding brucellosis in bison and elk but was not successful in initiating actions that would reduce or eliminate the disease. The ad hoc committee met at least twice each year until 1993 when the Greater Yellowstone Interagency Brucellosis Committee (GYIBC) was formed. The GYIBC was formalized on July 5, 1995, with the execution of a memorandum of understanding signed by the Secretaries of Agriculture and Interior and the Governors of Idaho, Montana and Wyoming. We have high hopes that the GYIBC can and will find equitable solutions to the problem of brucellosis in bison and elk of the GYA.

BRUCELLOSIS IN BISON AND ELK OF THE GYA

For many years National Park Service officials contended that brucellosis in bison of the GYA was a natural condition that existed prior to the introduction of European cattle to North America and that the disease was not the same as the disease in cattle. These officials have also contended that brucellosis did not cause the same disease syndrome in bison as in cattle and would not transmit from bison to cattle.

Studies conducted, by USDA, on *brucella abortus* Bio Var 1 isolates from infected YNP bison and cattle from the surrounding states conclusively showed that the brucella organism causing brucellosis in bison and elk of the GYA is the same as the brucella organism recovered from cattle. This provides strong evidence that the disease is not a "native" disease in bison and elk.

Research conducted at Texas A&M University on bison and at Sybille Wildlife Research Center in Wyoming on elk conclusively showed that brucellosis is readily transmitted among cattle, bison and elk. This research showed that the disease can be transmitted from any of the species to the other species. The rates of transmission were about the same for the three species.

Research, observation and review of the literature also confirms the disease syndromes in cattle, bison and elk are very similar. The disease can cause abortion or the birth of weak calves in all three species. The organism is shed from the uterus before, during and after calving or abortion in all three species. The organism can also be recovered from milk from infected females and from male reproductive organs of infected males. Research and test results do indicate that bison, especially male bison, may be more susceptible to the disease than are cattle.

THREAT OF BRUCELLOSIS SPREAD FROM BISON AND ELK TO CATTLE IN THE GYA

National Park Service and others have contended for many years that even though bison and elk of the GYA were infected with brucellosis there was not a threat of spread from these species to cattle of the GYA. They point to the lack of "scientifically proven" transmission to cattle under "natural" conditions. This line of reasoning ignores valid research data and ignores substantial epidemiological evidence of transmission of brucellosis from bison or elk to several cattle herds in Wyoming.

This line of reasoning also does not recognize two other very important factors:

1. The population of bison in the GYA has increased from approximately 400 head in 1967 to over 4,000 head in 1995. The population of elk has also expanded to 60,000-90,000 head (depending on whose figures you use) in the GYA. When populations of bison were very low, the chance of bison migrating from YNP was also low and the actual number of animals migrating was low. Therefore, the risk of spread of disease was low. As the numbers of bison in the GYA has increased, large numbers migrate outside the park, increasing the risk of exposure to cattle. The large numbers of elk in the GYA is also cause for concern, but elk numbers can be kept in check by hunting, thus reducing the threat from elk.

2. State and Federal animal health officials have made extraordinary efforts to prevent contact between infected bison and susceptible cattle in the GYA. This factor is the primary reason we have not seen transmission from bison to cattle in Montana and Idaho. Wyoming has epidemiological evidence of transmission from bison or elk (probably elk) to cattle. Wyoming has worked diligently to reduce the threat by controlling wandering bison, by fencing, habitat development and feeding of elk away from cattle to reduce the risk of transmission.

We firmly believe transmission of brucellosis from wildlife to cattle can and will occur unless decisive action is taken to eliminate the brucellosis risk. Up to now, the burden for prevention of exposure has been relegated to the state animal health and fish and game agencies and the livestock industries of the three states. Federal wildlife management agencies must be required to share this burden.

#### NATIONAL ENVIRONMENTAL POLICY ACT

We fully understand the intent of the National Environmental Policy Act (NEPA). In various settings around the country, NEPA has been instrumental in assuring reasonable, equitable management decisions by federal management agencies. However, it is our strong belief that NEPA is being used as a tool to prevent action by federal agencies in the GYA.

An Environmental Assessment (EA) has been in process between Montana and YNP for over six years for the management of bison that migrate from YNP into Montana. A separate EA is being prepared for the management of bison in Grand Teton National Park (GTNP). This process has been going on for over two years. We are told that an EA will have to be prepared for the entire GYA (or perhaps a separate EA for each herd unit in the GYA). This is all well and good, except that during the development of the EA nothing gets done on the ground. The extensive time, money and effort required to complete an EA, coupled with the frustration created from an inability to act is destroying our ability to work effectively together to find common solutions.

We strongly believe the problem of brucellosis in bison and elk of the GYA is a disease control issue, not a wildlife management issue. NEPA should not be applied to disease control issues. To do so sets a very dangerous precedent. Would this same logic be applied to diseases such as foot and mouth disease if there were an outbreak of foot and mouth disease in a national park? There must be some relief from the NEPA requirements for disease control issues. Otherwise, we will be five to ten years away from any on-the-ground activities for disease control in wildlife in the GYA.

#### IMPACT OF SENATE BILL 745

From an animal health perspective this bill has a number of very positive provisions:

1. Require testing of all bison in YNP.
2. Require destruction or neutering of positive animals.
3. Require vaccination and quarantine of negative exposed animals.
4. Require National Park Service to cooperate with the state animal health officials and APHIS in the development of herd management plans.
5. Establish strict time lines for action.
6. Establish population levels.
7. Provide a mechanism to remove excess bison.

The bill also has two deficiencies:

1. It does not address brucellosis infected bison in GTNP.
2. It does not address brucellosis infected elk in the GYA.

We would recommend that the bill be amended to include brucellosis infected bison in GTNP. The elk issue must be addressed, but it is different from the bison issue. Elk are resident in the entire GYA, not just the national parks. We anticipate the best method for handling brucellosis infected elk would be through collaborative



management plans developed by the state and federal agencies in conjunction with the provisions of S. 745 for bison.

#### CONCLUSIONS

We reiterate that we would prefer to solve the problem of brucellosis infected wildlife in the GYA without legislation, but believe legislative direction will be necessary to achieve results.

We recommend that S. 745 be amended to include bison in GTNP.

We believe the NEPA process is being abused relative to brucellosis in wildlife of the GYA and must be brought under some control if we are to make progress in eliminating this brucellosis threat.

The GYIBC can become a vehicle through which the mandates of the bill can be implemented.

We appreciate the efforts of Senator Burns and members of the Subcommittee on Parks, Historic Preservation and Recreation to address this very important issue.

Thank you.

Senator GRAMS. Thank you very much, Dr. Hillman.

Mr. Frasier.

#### STATEMENT OF STAN FRASIER, HELENA, MT

Mr. FRASIER. Thank you. My name is Stan Frasier. I live here in Helena. It is my feeling that the brucellosis problem is more of a political problem than it is a real problem; and one of my concerns is that I do not want to see Congress create yet another pork program or another subsidy for the cattle industry. The idea that bison, any bison that sticks its nose outside the Park or comes near a cow should be shot, I think is ridiculous. Excess park bison, in my estimation, should be transported to the Charles M. Russell Wildlife Refuge and other suitable locations. I believe bison are wild animals, should be allowed to roam freely as do deer and elk, and herd numbers should be controlled through hunting, as with other big-game species.

I came across a newspaper article the other day. I'd like to read just brief portions of it. This is dated December 26, 1985. The title is "Brucellosis Program a \$2 Billion 'Farce', Says Cattleman, Vet." "The nation's program to eradicate the cattle disease brucellosis is a farce that has cost taxpayers \$2 billion over the last 50 years, a veterinarian says. Every well-informed, large-animal vet sees the program as a farce as it exists today, says Texas veterinarian A. M. Pickard, a cattle breeder and producer who has railed against the brucellosis program for more than 20 years.

Pickard is joined by other prominent American veterinarians and cattlemen who say the goal of eliminating brucellosis, especially in the South, where it is still a significant problem, is unobtainable.

Pickard's criticisms are echoed by such other prominent cattle authorities as Dr. Dan Anderson, ex-president of the American Veterinary Medicine Association, and former State veterinarian of Texas, and Dr. Paul Nicoletti, a University of Florida veterinary professor.

They say the disease is best controlled by a good vaccination program rather than attempts to eradicate it.

States are continuing to certify, Anderson told the Texas Veterinary Association last August. That is a farce. A Montana veterinarian said there is still some brucellosis there even though the State is certified. We lied and cheated to make Texas modified 20 years and certified 20 years ago.

Anderson said the program had prostituted the veterinary profession by paying vets to participate in the program rather than to look out for the best interests of their clients.

Pickard, Anderson and other critics said one problem is inaccurate testing. Animals that test positive are not always positive, while animals that test negative are not always disease-free, they said.

Promises of nationwide eradication of brucellosis failed to consider the many factors influencing the persistence of the disease, Nicoletti said, and Pickard said the eradication program is only aimed at cattle and buffalo, while there may be many other carriers, including humans and rodents.

They suggested that brucellosis control should be left to ranchers, not the government, just as are many other cattle diseases."

I thank you for your attention today, gentlemen.

Senator GRAMS. Thank you very much, gentlemen.

Senator BURNS. Stan, if we had allowed that attitude to prevail at the date that was written, instead of saying 90 and 95 percent calf crops today, we would still be dealing with 60 and we would have an undulant fever problem in this country like you cannot believe if we had allowed that thinking to prevail. We did not do that as a cattle industry. We did not allow it to do that; and so I think what we went on and did was the right thing to do, and so I do not want to let you get away with that because I remember going through those very, very tough times and we may, this is why we are saying, "Park Service, you have got to do it," is that we made some of our neighbors very mad. We had some old, hard-headed ranchers that, "By god, I ain't going to test my herd. They ain't going to come out here and tell me what to do."

By gosh, I'll tell you, if they had prevailed, the industry would not be where it is today and the movement of breeding cattle from this country to international, to other international ports would have never happened and we could have never assumed leadership in the industry as we have.

Mr. FRASIER. I knew you would not let me get away with that.

Senator BURNS. I knew it, and I was not going to let you.

Senator GRAMS. Lawrence Gibbs and Joan Montagne. I will have you state your name correctly for the record if I have mispronounced it. Also, Joe Gutkoski, if you would want to come up, too, and these will be all of those involved.

#### **STATEMENT OF JOAN MONTAGNE, PRESIDENT, AMERICAN BUFFALO FOUNDATION**

Ms. MONTAGNE. My name is Joan Montagne. I represent the American Buffalo Foundation. The American Buffalo Foundation was incorporated 5 years ago to address the following needs: to facilitate consensus building among people interested in the bison of the Greater Yellowstone ecosystem; to speak on behalf of the only wild, free-roaming herd in the Lower 48 of the United States.

This Pleistocene Ice Age survivor is a unique American natural resource. Wild bison are different from the fenced-in and managed buffalo common throughout the Western United States because they are allowed to follow their ancient instincts unmanipulated by mankind.

Meetings of citizens throughout the world on sustainable development, sustainable agriculture and natural resource management emphasize the importance of grass roots public participation in the decision-making process. Four years ago a citizens working group worked long and hard to come up with a cooperative agreement built on consensus. It is now the hostage of the politics and turf wars between the State and Federal agencies.

The American Buffalo Foundation advocates negotiations with Montana and APHIS to put some flexibility in the all-or-nothing attitude towards brucellosis by APHIS. Prevention through inoculation has worked to protect millions of humans and animals. The virus will never be totally eradicated, just as tuberculosis will keep cropping up in humans. The cost to test and inoculate every bison and elk would be outrageous. Canadian bison in the Buffalo National Park have brucellosis and their elk farms are contaminated with tuberculosis that came from Montana game farms. Then why is Canada certified disease-free when it is not?

The money would be far better spent inoculating the bovines in the area of possible contact with infected bison and elk. Responsible cattle owners do this already, as is the reality of living in this unique ecosystem. The American Buffalo Foundation is neither pro-hunting nor anti-hunting. We have testified at State of Montana hearings trying to determine the fate of these magnificent, adaptive beasts. The solution to this problem will be found in cooperative agreement between all concerned parties. We urge you to reconsider this ill-conceived bill and address the concerns proposed in the cooperative management plan which is more of a positive solution than a heavy-handed mandate. We understand legislation is being introduced in the House of Representatives at this time according to that plan. Thank you.

Senator GRAMS. Thank you very much, Joan.

Joe.

#### **STATEMENT OF JOE GUTKOSKI, DIRECTOR, GALLATIN WILDLIFE ASSOCIATION, BOZEMAN, MT**

Mr. GUTKOSKI. Thank you, Senators, for coming here and giving us this opportunity. My name is Joe Gutkoski. I'm the director of the Gallatin Wildlife Association, which is Bozeman's local rod and gun club. I'm not going to repeat what was said here today, but I think it's important to keep the buffalo and the cattle separate on public lands, keep them separate. I look at the buffalo as a real asset to Montana, could be a real economic and cultural asset to Montana and, of course, the public lands surrounding Yellowstone Park can be used for wintering. It's going to take some agreements, some purposes and some easements for buffalo to migrate. That's about all.

Senator GRAMS. Thank you, Joe.

Lawrence.

#### **STATEMENT OF LAWRENCE GIBBS, McALLISTER, MT**

Mr. GIBBS. I'm Lawrence Gibbs. I'm a rancher in southwest Montana and I have been aware of the brucellosis problem ever since I was a kid. I wrote this down, what I'm going to say, because I got fed up with all the talk and nothing happens. The Federal Gov-



ernment doesn't do a thing. There's got to be something happening now. Why do we have to wait for a bunch of bureaucrats that do not do nothing? So this is what I have got here.

Brucellosis is a dangerous disease. It kills people, cattle, and so on. It makes cattle lose their calves. Nobody needs brucellosis. Brucellosis spreads by breeding, body fluids and aborted fetuses, dead calves, and just being in contact with the carriers and reactors.

The Government in Yellowstone Park abandoned the buffalo in 1969 when they quit working, testing and vaccinating and destroying the reactors and carrier buffalo who had brucellosis. Since the Government abandoned the buffalo, they have no right to have them.

Since the start of the livestock industry in this area, it has cost more than a hundred-million dollars in dead livestock, working, handling, testing, vaccinating, and destroying disease-reactor livestock, which had to be done to get the present brucellosis-free status that Montana has and is about to lose. If the U.S. Government cannot or will not clean up the diseased buffalo, elk, or whatever animals or people have brucellosis in Yellowstone Park and get Yellowstone Park brucellosis-free like Montana, Wyoming, Idaho and other surrounding brucellosis-free States, then just send in the U.S. Marine Corps with infantry and planes and helicopters and kill every buffalo, elk until there's no more brucellosis left, just like when a ranch gets brucellosis, a lot of people do not seem to understand this, they kill all the animals until the brucellosis is gone. Why does the Federal Government get privileges that we ranchers do not?

No matter what animals you have to destroy, get rid of brucellosis. It's a disease like measles, mumps, diphtheria, whooping cough, polio, bubonic plague, rabies, cholera and AIDS. Nobody needs brucellosis. Why does the U.S. Government want to keep brucellosis?

If the U.S. Government refuses to clean up brucellosis and does not destroy brucellosis carriers and reactors, then let the ranchers of Montana, Idaho and Wyoming ride into the Park and kill every animal until the brucellosis does not have anyplace to survive. Get rid of brucellosis no matter what animals have to be destroyed.

Senator GRAMS. Thank you very much, Mr. Gibbs. I want to thank all of our panels and all of our participants for all their testimony today; and, again, I will just note that this will contribute to our follow-up hearing which will be held in Washington where we will also have an opportunity there to hear the administration's minimum view on this legislation and hopefully we are going to work out something where this plan moves forward and, as one of the participants said this morning, so we do not continue to talk this issue to death. I want to thank everybody for participating.

This hearing is closed. Thank you.

[Whereupon, at 1:23 p.m., the hearing was adjourned.]

## APPENDIX

### ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

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#### STATEMENT OF GEORGE HAMMOND, PRESIDENT, MONTANA STOCKGROWERS ASSOCIATION

##### I. INTRODUCTION

On behalf of the Montana Stockgrowers Association (MSGA), I wish to express our thanks and appreciation to the Committee for conducting the field hearing on S. 745 in Helena, Montana on July 29, 1995. S. 745 is a vital piece of legislation for cattle producers throughout Montana, Idaho, and Wyoming. Speaking for the MSGA, I urge the committee to take swift action and pass the bill so that the National Park Service (NPS), and Yellowstone National Park will take responsibility for the bison/brucellosis problem which threatens the livelihood of thousands of Montana ranch families, and the rural economies dependent upon the livestock industry.

Because the record of the field hearing was left open for two weeks, I would like to provide the following information to the committee. This written testimony supplements the information I provided at the July 29, 1995 field hearing.

##### II. TESTIMONY

###### *A. Brucellosis—impacts of the problem*

One clear and undisputed issue which Congress must address is the unwillingness of Yellowstone National Park (YNP) to accept the responsibility for diseased bison. The migration of these animals into neighboring states creates an unacceptable risk to the cattle industries of each state, and the property interests of those individuals who live around the park.

The testimony of YNP Superintendent Michael Findley indicated that the Park agrees with the goal of brucellosis eradication. The problem lies in YNP's steadfast opposition to take control of the problem it has created within the boundaries of the Park. The record reveals the issue can be controlled and corrected within the Park. Congress must give YNP clear direction to control the disease within the Park's borders.

Since 1950, Idaho, Wyoming, and Montana cattle producers have spent over \$80 million to eradicate brucellosis in cattle. In Montana, we have achieved our goal of being classified by APHIS as "brucellosis free". This status allows for test eligible animals to be sold and moved interstate without testing. It is this "free" status which the YNP bison threaten due to the known potential for the spread of brucellosis to cattle as the bison leave the Park boundaries. Should the threat of brucellosis infection by bison reduce the APHIS classification for Montana, Idaho, and Wyoming, it will cost the cattle industry \$27 million in testing costs alone.

In a report to the Montana Board of Livestock in 1992, then State Veterinarian Dr. Don Ferlicka estimated the costs of testing an average herd of 144. If the infection rate in a herd was less than 5%, it would take an average of seven herd tests to eliminate infection. If the herd infection rate was greater than 10%, it would take 28 herd test. If brucellosis spread occurs outside the index herd before detection through surveillance, then there is potential to transmit the disease to more than 24 states. If only one herd in each state is exposed, then 24 additional herds must be traced and tested. Under this scenario, a cost of \$480,000 is the minimum an infected state would spend to eradicate the disease. This could increase to \$5,700,000 per state and if 24 states were included, a total cost of \$136,800,000 would be incurred. Dr. Ferlicka's model illustrates how expensive brucellosis can be, how stringent the UMR is, and how much of a threat brucellosis-infected bison can pose to the cattle industry. In a 1989 testimony before a subcommittee on National Parks and public lands, Dr. Ferlicka testified "the consumer has benefitted by a fac-

tor of 26 for every dollar spent on the program in the form of saving for the beef they purchase."

*B. YNP management—no management equals resource degradation*

Another issue Congress must address is the "natural regulation" policy of YNP. In discussions over the bison problem the NPS and YNP constantly evade responsibility for addressing the problem within the boundaries because of their management philosophy. Unfortunately, this management approach creates problems not only for livestock producers in Montana, but is also leading to resource degradation within the Park.

YNP has allowed bison and elk herds to multiply to levels well beyond the range carrying capacity. Upland range conditions are deteriorating, riparian areas are being destroyed, and woody vegetation is totally nonexistent in many areas of the Park.

It is ironic that across the boundary of YNP, livestock producers who graze federal National Forest lands are being asked to take severe number reductions in the livestock they graze for resource "protection". In addition, livestock producers who graze federal lands are being mandated to graze their livestock within guidelines which severely inhibit the maintenance of viable ranching operations. All this in the name of resource management.

A simple comparison of resource conditions within and outside YNP reveals the flawed nature of "hands off" management. A 1986 Interior Appropriations bill contained language mandating YNP to conduct a study of range condition within the park. The Park Service has had ten years to complete this study, and to date we have seen no results. This study will be written by Park Service researchers "in house", and will most likely result in a document that defends their "no action" management strategy rather than addressing actual range condition.

Since the Park Service seems to be unable to complete this study (and its outcome will most likely be biased), we would suggest an independent study of range and riparian conditions within YNP to determine the proper carrying capacity for ungulates within the Park. This study should examine all information on YNP range conditions, and establish a set of range management protocols and guidelines to be followed by YNP. To maintain objectivity, the study should be done by independent range experts in cooperation with the land grant universities of the three neighboring states.

### III. CONCLUSION

Congress must give the NPS and YNP management direction to solve the serious problem of brucellosis infected bison. The Park should act under the same standard as all livestock producers by dealing with the problem within the boundaries so that harm does not occur to the neighboring states. Without clear direction, thousands of Montana ranchers are constantly threatened with economic catastrophe.

In addition, Congress must put an end to YNP's "natural regulation" management philosophy. This philosophy has resulted in resource degradation in addition to the burdens placed on neighboring states and property owners.

An independent range study should be commissioned by Congress to study the resource problems which exist within YNP. Without such a study YNP will continue to spiral into a state of resource condition of which nobody will be proud.

Thank you for the opportunity to provide additional testimony.

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GEORGIA DEPARTMENT OF AGRICULTURE,  
*Atlanta, GA, June 19, 1995.*

Dr. CLARENCE J. SIROKY,  
*State Veterinarian, Montana Department of Livestock, Department of Livestock, Helena, MT.*

DEAR DR. SIROKY: Enclosed are copies of resolutions adopted by the Southern Animal Health Association during the meeting in Savannah, Georgia, April 30–May 3, 1995. A copy of each resolution is being submitted to the USAHA for consideration by the appropriate committees.

Please review these resolutions and lend support of them, if possible, at the USAHA meeting in Reno, Nevada.

Sincerely,

JAMES P. QUIGLEY, JR., DVM,  
*Past President, SAHA.*

[Enclosure.]



## RESOLUTION 1

Whereas: The Southern Animal Health Association is concerned that bison brucellosis and over population of bison in Yellowstone National Park is not only a threat to cattle in Montana and the surrounding states but to the cattle industry in the United States as well.

Whereas: Adequate measures have not been taken by the federal government to eradicate this disease in bison in the Yellowstone Park.

Therefore, be it resolved that the Southern Animal Health Association recommends the passage of Senate Bill 745, sponsored by United States Senator Conrad Burns of Montana, which mandates that the National Park Service eradicate brucellosis in bison in the Yellowstone National Park by December 31, 1998. This bill further requires the reduction of the herd size to 500 head below the optimum level with the distribution of the excess bison once brucellosis is eradicated to the Native Indians on reservations.

The Southern Animal Health Association further recommends that State Veterinarians ask their Congressional delegation to support Senate Bill 745.

## RESOLUTION 2

Whereas: Bison infected with and/or exposed to brucellosis that roam free pose a threat to the cattle population in designated free states, and

Whereas: Cattle in free states can move interstate after being tested for brucellosis.

Therefore, be it resolved that the Southern Animal Health Association supports the resolution endorsed by the Western State Livestock Association which requests USDA, APHIS, VS to downgrade a Brucellosis Free status to Class A status for the entire state if infected or exposed bison are allowed to roam in the state and to require cattle that graze where infected bison also graze to be tested negative for brucellosis prior to change of ownership or within 45 to 120 days after grazing in common with infected bison.

## RESOLUTION 3

Whereas: We represent the animal disease control interests of our respective states.

U.S. ANIMAL HEALTH ASSOCIATION,  
*Richmond, VA, June 2, 1995.*

Hon. CONRAD BURNS,  
*Hart Senate Office Building, Washington, DC.*

DEAR SENATOR BURNS: I am speaking on behalf of the United States Animal Health Association in support of S. 745, which will require the National Park Service to eradicate the disease known as brucellosis afflicting the bison in Yellowstone National Park. The United States Animal Health Association is a fourteen hundred member, non-profit organization of state and federal disease control officials, veterinarians, livestock producers, national livestock and poultry organizations, research scientists, and extension service personnel.

Our organization very much supports the national brucellosis eradication program and very strongly believes the Yellowstone bison herd should be included in it. To ignore this situation would seriously jeopardize the millions of dollars and the thousands of man-years of work that have already gone into this eradication effort.

To leave this huge source of infection would be a constant threat to the surrounding cattle herds. Not only would the neighboring cattle herds suffer great economic loss because of the effects of the disease, but the cattle industry of the entire state would also experience economic loss because of the sanctions placed upon it by states that would ordinarily buy Montana cattle.

There has been great progress made in the eradication effort of this disease. At the present time, there are only 199 herds under quarantine because of being infected with brucellosis. This is the lowest number of infected herds ever. Thirty-six states have already been declared brucellosis free. We are nearing the time of our national goal for all of the cattle herds in the United States to be free of this disease. We cannot achieve that goal if Yellowstone bison are allowed to remain infected and to roam freely out of the park.

The United States Animal Health Association offers its services as a national forum where all parties interested in solving this problem may gather, discuss all aspects, reach consensus, and make decisions on which course of action to follow that will be the most advantageous for all parties concerned. This interaction could

take place in any one of our several standing committees; the Brucellosis, Wildlife Diseases, or Cattle, Bison and Llama Committees, would be suitable to address this problem.

No matter what preliminary negotiations and discussions take place, the United States Animal Health Association reiterates its strong support of S. 745 requiring the National Park Services to be a cooperating partner in the eradication of brucellosis from the Yellowstone bison herd.

Very truly yours,

H.W. TOWERS, JR., VMD,  
President, U.S.A.H.A.

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TEXAS ANIMAL HEALTH COMMISSION,  
Austin, TX, May 31, 1995.

Dr. CLARENCE SIROKY,  
Montana Department of Livestock, Helena, MT.

Re: Yellowstone Bison

DEAR DR. SIROKY: I am in receipt of your letter regarding bison brucellosis in Yellowstone National Park. The Texas Animal Health Commission supports brucellosis testing, vaccination, quarantine, and slaughter or neutering of positive bison.

Please feel free to contact me if you have any questions.

Respectfully,

TERRY BEALS, DVM,  
Executive Director.

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Barboursville, VA, May 30, 1995.

Hon. CONRAD BURNS,  
U.S. Senate, Washington, DC.

DEAR SENATOR BURNS: I was pleased to read about your bill requiring the testing for brucellosis of all bison at Yellowstone National Park and the removal to slaughter of all test positive animals.

This bill is important for several reasons, but the most important is that it establishes a definite starting date for correcting a problem of long standing. As you know, the continued presence of infected bison and elk in the greater Yellowstone area is playing Russian roulette with the brucellosis-free status of the cattle in Montana, Idaho and Wyoming. This is a problem that becomes more critical as the National Brucellosis Eradication Program nears its goal of the eradication of bovine brucellosis.

Would it be possible to receive a copy of this bill from your office so that I could be better informed on its various provisions?

Thank you and good luck with this bill.

Sincerely,

WINTHROP C. RAY.

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STATE OF UTAH,  
DEPARTMENT OF AGRICULTURE,  
Salt Lake City, UT, May 26, 1995.

HON. ORRIN G. HATCH,  
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: As State Veterinarian for Utah and representing the animal industry in the state, I am concerned about the brucellosis diseased animals in Yellowstone Park. I would urge you to support Senate Bill 745, introduced by Montana Senator Conrad Burns, to help alleviate the problem.

As you know, Utah attained a brucellosis free status in 1982. This was an accomplishment of great effort and expense. The disease infected buffalo and elk are a threat to the state of Utah. Since the United States is on the verge of eliminating this devastating animal and human disease, it is untenable to allow an entire animal population to remain contaminated like those in Yellowstone Park.

It has been our experience that animals and their diseases migrate rapidly all over the country. It is extremely disappointing that the Department of the Interior and the Yellowstone Park managers have been very uncooperative in addressing this issue. Because of this, I believe federal legislation is the only way to solve this ongoing 12 year old controversy. Measures must be taken in order to protect our

industry. Your support of Senate Bill 745 will help ensure the security of our industry.

Thank you for your continued support of this great state and its industries. If you need additional information regarding this issue, please feel free to let me know. I can be reached at 801-538-7160.

Sincerely,

MICHAEL R. MARSHALL, DVM,  
*State Veterinarian.*

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MONTANA STATE UNIVERSITY,  
DEPARTMENT OF ANIMAL AND RANGE SCIENCES,  
*Bozeman, MT, December 19, 1994.*

Hon. CONRAD BURNS,  
*Dirksen Office Building, Washington, DC.*

DEAR SENATOR BURNS: Enclosed is a preliminary proposal outlining a project to provide a permanent solution to the brucellosis in bison problem in northern Yellowstone National Park. I have put this proposal together after discussing my ideas with MSU animal and wildlife scientists, Montana Department of Fish, Wildlife and Parks personnel, and the National Park Service wildlife biologist who managed the program to eradicate brucellosis in the Wind Cave National Park bison herd.

While most of the individuals I consulted warn that this project will be wrought with political interference, none of them doubt this strategy is a valid approach to timely eradication of brucellosis in the northern Yellowstone bison herd. Their concerns describe the greatest obstacle to solving the bison brucellosis problem, but it is this inability of the involved parties to remove politics and other agendas from the process that has led to the critical situation we face. For this reason I think the unbiased, scientific direction we could give this project from Montana State University would not only allow it to proceed using the best and most appropriate methods available, but it would ensure agency conflicts and turf protection would not interfere with addressing this most urgent problem.

I apologize for the sketchy information I had to present in the preliminary proposal. A more detailed description of the project, following investigation of scientific literature, collaboration with other bison experts and coordination with involved agencies, would give a more accurate picture of the project specifics.

Please don't hesitate to contact me if you would like to discuss this project further. We stand ready to assist in any appropriate way as you seek a remedy to the bison brucellosis problem.

Sincerely,

JAMES E. KNIGHT, PHD.,  
*Extension Wildlife Specialist.*

[Enclosure.]

## ERADICATION OF BRUCELLOSIS IN BISON IN NORTHERN YELLOWSTONE NATIONAL PARK

### BACKGROUND

Brucellosis has been a concern in northern Yellowstone National Park because of the potential for infection of cattle when the bison leave the park. Because over 400 of the 4,300 bison have already left the park this winter, recent concerns have heightened. Reports have surfaced that the federal Animal Plant Health Inspection Service (APHIS) may remove Montana's "Brucellosis Free" status and recently Washington State began requiring that all cattle purchased in Montana be tested for brucellosis.

If other states follow the Washington state lead, or if APHIS removes the Class Free status on brucellosis in Montana, the results would be costly for the Montana cattle industry. Montana exports approximately 1.5 million cattle each year. The present estimated cost for brucellosis testing is \$14/head. This \$21 million annual cost does not include quarantine costs nor does it include lost revenue resulting from bad publicity. Producers from other states will shy away from Montana when selecting replacement or purebred cattle.

The brucellosis problem has existed for decades and the present situation has resulted from a reluctance of the management in Yellowstone National Park to address the situation. Excuses such as a need for a "Bison Management Plan", or insistence that there is no clear evidence that free-roaming bison can infect cattle,



have been delaying tactics that have resulted in Montana now being faced with an immediate, very critical problem.

Other bison herds in National Parks such as Wind Cave National Park have had brucellosis outbreaks, and a commitment by managers to eradicate the disease has successfully solved the problem. Although the Yellowstone herd is larger, free-roaming and in a different setting, the problem still requires a commitment to eradication of brucellosis if the situation is to be permanently solved.

#### OBJECTIVES

1. Capture, brucellosis test and slaughter positive reactors in the adult component of the northern Yellowstone Bison herd. This will be done for two years.
2. Vaccinate all young (6-10 month old) bison for 5 years.

#### PROCEDURE

During summer 1995, three feeding sites for the next winter will be selected. These sites will be located in the Lamar Valley, one near Gallatin and the other in the West Yellowstone area. At each of these sites, bison-proof corrals and handling facilities will be constructed.

Beginning early winter 1995-96, a feeding program will begin, designed to lure the bison to the feed areas. When maximum numbers are in the corrals, gates will be closed and testing and treatment will begin.

Adult bison will be screen tested using a procedure that requires about 15 minutes to identify reactors. Positive reactors will be slaughtered. Negative reactors will be ear-tagged with inconspicuous numbered tags. They will also be rump marked with paint to identify those which have been tested. This rump mark will last until spring.

Calf bison will be vaccinated with Strain 19, ear-tagged, rump painted and released.

All animals not trapped at the feed sites will be located during deep snow conditions, shot with tranquilizers and put through the same procedures as animals at the feed sites.

During winter 1996-97, the procedure will be repeated.

During winters 1997-98, 1998-99 and 1999-2000, adults will not be tested or slaughtered. Only calves will be vaccinated.

It is anticipated that public education will be a very important component of this project to ward off misconceptions and criticisms that are expected. Agency personnel, animal rights groups, environmental groups and livestock groups will find parts of this project that do not meet their wishes. We are confident, however, that this project represents the best way to eradicate brucellosis in the northern Yellowstone herd given the biological, social, legal and logical considerations involved in a permanent solution to the problem.

#### PERSONNEL

Project Coordinator and Director, Dr. James E. Knight, Wildlife Specialist, Department of Animal and Range Sciences, Montana State University.

#### Cooperating Personnel:

Dr. John Paterson, Department Head, Department of Animal and Range Sciences, Montana State University.

Dr. Larry Stackhouse, Veterinary Diagnostic Lab, Montana State University.

Dr. Stuart Knapp, Director, N.A. Center for Bison Studies, Montana State University.

Additional personnel will be added to the team when identified by:

National Park Service  
 Montana Department of Fish, Wildlife and Parks  
 Idaho Game and Fish Department  
 Wyoming Game and Fish Department  
 USDA Animal Plant Health Inspection Service  
 Montana Department of Livestock  
 Montana State Veterinarian

## BUDGET

Capture:	
Handling Facilities .....	\$ 300,000
Winter Feed .....	220,000
Helicopter Rental .....	300,000
Tranquilizer Equipment .....	10,000
Tranquilizers .....	15,000
Technicians and Feed Crew .....	300,000
Miscellaneous Supplies (ear tags, etc.) .....	5,000
	<hr/>
	1,150,000
Testing and Treatment:	
Testing Supplies .....	140,000
Vaccine .....	45,000
Veterinary Services .....	125,000
Carcass Disposal .....	100,000
Diagnostic Services .....	200,000
	<hr/>
	610,000
Preparation and Analysis:	
Travel .....	150,000
Vehicle Expenses (feeding, survey, etc.) .....	200,000
Laboratory Assistance .....	100,000
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	450,000
	<hr/>
Project Total .....	\$2,210,000


**NATIONAL CATTLEMEN'S ASSOCIATION**

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July 24, 1995

The Honorable Senator Conrad Burns  
 United States Senate  
 Washington, DC 20510

Dear Senator Burns:

During our midyear convention, held July 19 - 22, 1995, in Denver, we had an opportunity to thoroughly discuss S. 745, a bill requiring the National Park Service to eradicate brucellosis afflicting the bison in Yellowstone National Park.

The National Cattlemen's Association applauds you for taking leadership of this important issue and we offer our support for this legislation. Our policy supports action on the part of the National Park Service and U.S. Fish and Wildlife Service to address the problems in Yellowstone Park and in other national parks with similar problems.

The problem of brucellosis in the Greater Yellowstone Area (GYA) is an issue that requires immediate attention. It involves not only the health of beef and dairy cattle across the country but human health as well. We also believe the failure to appropriately manage the bison in the GYA negatively impacts environmental quality of the GYA, one of our national treasures. The well-being of the bison themselves, and other wildlife in the GYA ecosystem, are affected by the mismanagement of the bison herd.

We are in the "final countdown" in the fight to eradicate brucellosis in the U.S. cattle herd. We have invested over \$3.3 billion in public funds, and the beef and dairy cattle industries have also invested significant resources to eradicate this disease. Senator, we are so close to accomplishing our goal! However, the GYA poses a major problem in achieving the national goal of brucellosis eradication.

The presence of brucellosis in the GYA is putting the entire U.S. cattle industry at risk. Breeding cattle from the GYA are exported to more than half of the contiguous 48 states. Feeder cattle from the area are fed in 24 states. Cattle from the area are exported to 7 foreign countries: Australia, Canada, Japan, which are brucellosis free; and Mexico, Columbia, Argentina, and South Africa. This is a problem of national and international importance.

Senator Burns, thank you again for taking on this challenge. We will be working to gain support for this important legislation.

Sincerely,

Bob Drake, President



**TESTIMONY**

of  
Wyoming Stock Growers Association

on S 745

for  
Senate Energy & Natural Resources Committee

July 29, 1995

Ladies and Gentlemen:

We appreciate the opportunity to provide testimony on S 745. The Wyoming Stock Growers, representing over 1,500 ranching families in the state of Wyoming, would like to lend our whole-hearted support to S 745, which requires the National Park Service to eradicate brucellosis afflicting bison in Yellowstone National Park.

The livestock producers in the state of Wyoming worked diligently to achieve brucellosis-free status in their cattle herds. This status was only accomplished by perseverance and financial sacrifice on the part of the livestock producers. It is absolutely unjust for these producers' livelihoods to be jeopardized by the lack of responsibility from the National Park Service to properly manage its wildlife population.

S 745, introduced by Senator Conrad Burns, requires testing and vaccination of the bison in Yellowstone National Park in order to prevent transmission of brucellosis. Passage of this bill will help ensure that the brucellosis-free status of Yellowstone's bordering states will not be jeopardized by the Park Service's bison. The Park Service should be required to protect the public health and safety, just as other industries are so required.

The brucellosis issue is not solely a livestock industry issue. Undulant fever is a human disease that is contracted by contact with brucellosis-infected animals. Testing and vaccination of Yellowstone Park bison will help ensure the public's safety, as well.

This bill addresses the issue of overpopulation of bison in Yellowstone National

Park by enlisting range scientists to determine the optimum population suitable for the resources available in the Park. This is a very important step that brings back some much-needed common sense to the management of Yellowstone's resources.

Additionally, the bill offers a solution to overgrazing in Yellowstone by transferring brucellosis-free bison out of the Park to reduce the population. Bison that test positive are slaughtered, with the carcasses being distributed to needy recipients, so the bison are utilized, not simply wasted.

S 745 is a simple bill that should be adopted. It addresses a major problem and requires the Park Service to accept responsibility for their bison population, while protecting the public's safety and well-being.

One suggestion that would improve this legislation is to include bison located in Grand Teton National Park in the testing and vaccination program. Including Grand Teton in this legislation fits perfectly in the whole plan for brucellosis eradication.

Thank you for the opportunity to comment. We urge your support of this legislation.

**Prepared by:** Cindy Garretson-Weibel  
Executive Director  
Wyoming Stock Growers Association

**FORT PECK SIOUX COUNCIL**  
**POPLAR, MONTANA 59255**

July 28, 1995

**Yellowstone Park Bison Senate Hearing**  
**Parks, Historic Preservation, and Recreation Subcommittee**  
**Helena, Montana 59601**

Dear Chairman,

The Sioux Council of the Fort Peck Indian Reservation is a separate entity affiliated with the Fort Peck Tribes and should not be confused with The Fort Peck Tribal Council and represents only those members of the Fort Peck Tribes enrolled as Sioux.

The Sioux Council would like to express an interest in the bill introduced by Sen. Burns of Montana which addresses the bison situation at Yellowstone Park.

We understand that if the bill passes the park manager will be forced to trim down the Yellowstone Park herd to less than half its current size.

The offer of distributing bison carcasses to the tribes is greatly appreciated, but we would like to suggest that in the effort to trim the park herd that calves be also distributed to the tribes. A program to transfer live animals to Indian tribes would be a cultural enhancement to those tribes who do not have buffalo. Such a program could also benefit the tribes economically by providing opportunities to benefit financially from the buffalo. We thank you for this opportunity to comment.

Cordially,



**Raymond Ogle, Chairman**  
**Fort Peck Sioux Council**



# BILLINGS



AREA CHAMBER OF COMMERCE®

July 27, 1995

Senator Conrad Burns  
United States Senate  
183 Dirksen Senate Office Building  
Washington, DC 20510-2603

Senator Burns:

The Billings Area Chamber of Commerce would like to inform you of our support for your legislation to resolve the brucellosis problem in Yellowstone National Park. We also support Governor Marc Racicot in his lawsuit against the National Park Service to accomplish the same goal.

Montana State Veterinarian Dr. Clarence Siroky was a guest at our last Agriculture committee meeting July 7, providing a great deal of information on this topic. Not only are we alarmed at the potential impact to Montana cattle producers, but also concerning the potential risk to the human population of contracting Undulant Fever.

The cattle industry has had a strong effort since 1937 to eliminate brucellosis in their domestic cattle herds. Montana stockgrowers have been justifiably proud of their brucellosis-free status. Now they stand to lose that hard-earned status, due to the inability or unwillingness of the National Park Service to accept responsibility for their bison herds.

The National Park Service and Animal and Plant Health Inspection Service need to take immediate action to address the brucellosis problem in Yellowstone National Park to protect the human population and the brucellosis-free status of the State of Montana. From a "good neighbor" standpoint, they should be willing to take whatever steps necessary to accomplish this.

We offer whatever assistance we may be to ensure the resolution of this problem. Please contact me regarding any questions you may have.

Respectfully,



Elbert "Butch" Ott  
President/CEO

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